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THE MIZPAH-PUMPKIN CREEK GRAZING DISTRICT: ITS HISTORY AND INFLUENCE ON THE ENACTMENT OF A PUBLIC LANDS GRAZING POLICY, 1926-1934

by

James Allan Muhn

A thesis submitted in partial fulfillment
of the requirements for the degree

of

Master of Arts

in

History

MONTANA STATE UNIVERSITY
Bozeman, Montana

May 1987

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James Allan Muhn, 1987

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James Allan Muhn

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DEDICATION

I wish to give special recognition to six individuals important in my life and this study. First is Leigh Freeman, a retired Bureau of Land Management paralegal specialist, who always gave his knowledge of public land law freely when I started with the agency and who helped me develop my passion for public land history. Next are my parents, Roland and Carolyn Muhn, both of whom gave me an appreciation for knowledge and had undying confidence in my ability to do whatever I set my mind to. Finally, to my wife, Peggy; my daughter, Sarah; and son, Nathan, I give my thanks for permitting me the time to complete this paper. To these people I dedicate this thesis.

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ABSTRACT

By the Act of March 29, 1928, Congress established the first grazing district on the public lands. The new reserve, the Mizpah-Pumpkin Creek Grazing District, had been proposed by a group of ranchers in southeastern Montana as a demonstration of the advantages that western stockraisers might realize if lease of the public lands for grazing purposes were possible. The current policy of free and unrestricted grazing on the public domain had led to crowding and overgrazing that had ruined the range and threatened the economic viability of the western livestock industry. The blocking of federal, state, and private lands through lease, the construction of range improvements, and conservative grazing practices made the Mizpah-Pumpkin Creek Grazing District a success after only a few years of operation. Impressed with the results achieved by the Mizpah-Pumpkin Creek Grazing District, stockgrowers throughout the West called for the establishment of similar reserves in the areas they ranched. Congress in 1934, after considerable debate, finally extended the lesson learned from the Mizpah-Pumpkin Creek Grazing District to the remainder of the public lands with the enactment of the Taylor Grazing Act.

INTRODUCTION

By the Act of March 29, 1928, Congress created the first grazing district on the public domain.[1] The new reserve, the Mizpah-Pumpkin Creek Grazing District, comprised more than 108,000 acres of federal, state, and private land in southeastern Montana. To facilitate the use of the area, Congress withdrew the public lands within the reserve from settlement and provided for the cooperative leasing of the lands in the district by an association of local stockmen under rules and regulations to be prescribed by the Secretary of the Interior.

Congress established the Mizpah-Pumpkin Creek Grazing District to determine whether leasing of the public domain for grazing purposes would remedy the problems of overcrowding and overgrazing associated with the long-standing policy of unrestricted grazing of the public lands. Congress, western livestock interests, and conservationists had long sought a solution to the public domain grazing problem. They all recognized that the "free grass" policy, which had been the foundation of the economic, political, and economic strength of the western range livestock industry in the years after the Civil War, now threatened the economic stability of ranchers. Yet, while nearly all concerned recognized the problem and its cause, they could not reach a consensus as to what should be done to alleviate the situation.

For proponents of leasing the public domain to stockmen, the Mizpah-Pumpkin Creek Grazing District held the promise of breaking the

political deadlock that prevented enactment of a new public range policy. If it proved successful in controlling overcrowding and range deterioration without endangering the traditional range rights of graziers, the grazing reserve could be used to illustrate the advantages of a leasing system.

Supporters of the leasing concept were not to be disappointed by the association of local ranchers that administered the Mizpah-Pumpkin Creek Grazing District. By 1931 the reserve clearly demonstrated what could be accomplished through control of public lands. The Mizpah-Pumpkin Creek Grazing District's members withstood the onslaught of drought while their neighbors, who depended on the open public domain, were forced to remove their herds from the range.

This success prompted several western Congressmen to introduce legislation to create grazing reserves similar to the Mizpah-Pumpkin Creek Grazing District in their states. At the same time, Congress once more took up the proposal of a national grazing lease policy for the public domain. In the debates over this question, both inside the halls of Congress and out, proponents of leasing pointed to the Mizpah-Pumpkin Creek Grazing District as an example of what could be accomplished with the adoption of a leasing system. Congress took more than two years to debate the issue, but in June 1934 it finally adopted a grazing lease policy for the public domain with the enactment of the Taylor Grazing Act.

With passage of the Taylor Grazing Act, the Mizpah-Pumpkin Creek Grazing District had fulfilled its purpose, demonstrating the advantages stockmen could realize through the leasing of public lands.

The reserve continued operation after 1934 until its abolishment in 1962. During these latter years, the Mizpah-Pumpkin Creek Grazing District slipped into obscurity and played no further role in the shaping of federal grazing policy on the public domain.

The Mizpah-Pumpkin Creek Grazing District played a part in the development of federal grazing policy on the public lands. Historians, political scientists, and natural resource specialists have long recognized this.[2] The history of the Mizpah-Pumpkin Creek Grazing District is, however, more than a study in public land policy; it is also a story of determination and perseverance. It tells how a railroad agricultural agent, a small group of ranchers, and a congressman, intent on solving a problem which threatened the stability of western ranchers, were able to establish the Mizpah-Pumpkin Creek Grazing District and fulfill the promise its supporters had prophesied.

ENDNOTES

[1]The term public domain is indefinite, its meaning having changed with time, as noted in E. Louise Peffer, "Which Public Domain Do You Mean?" Agricultural History 21 (April 1949: 140-146). For the purpose of this study, public domain and its counterpart public lands describe those federal lands being vacant, unappropriated, and unreserved. Lands within military reserves, irrigation projects, wildlife refuges, national forests, and national monuments and parks are not, therefore, part of the public domain. These lands and the public domain are collectively referred to in this discussion as the federal lands. Indian reservations are a separate and distinct class of lands.

In discussing the issue of grazing and the public lands, it is important to understand that Texas is not a public land state. Texas, having been a sovereign nation upon admission to the United States, was permitted by the Congress to retain title to its common lands. Texas and its livestock industry, therefore, were not a part of public land grazing controversy of late nineteenth and early twentieth centuries. See Thomas L. Miller, The Public Lands of Texas, 1519-1970 (Norman: University of Oklahoma Press, 1972).

[2]See Merrill G. Burlingame, "National Contributions of the Montana Extension Service, 1893-1930," in Agriculture in the Great Plains, 1876-1936, ed. Thomas R. Wessel (Washington, D.C.: The Agricultural History Society, 1977), pp. 241-242; Merrill G. Burlingame and K. Ross Toole, "The Range Livestock Industry," in A History of Montana, 1:329-330, ed. Merrill G. Burlingame and K. Ross Toole, 3 vols. (New York: Lewis Historical Publishing Co., 1957); Paul J. Culhane, Public Lands Politics: Interest Group Influence on the Forest Service and the Bureau of Land Management (Baltimore: The Johns Hopkins University Press, 1981), p. 83; Samuel Trask Dana and Sally K. Fairfax, Forest and Range Policy: Its Development in the United States, Second Edition (New York: McGraw-Hill Book Co., 1980), pp. 159-160; Everett Dick, The Lure of the Land: A Social History of the Public Lands from the Articles of Confederation to the New Deal (Lincoln: University of Nebraska Press, 1970), p. 346; Robert H. Fletcher, Free Grass to Fences: The Montana Cattle Range Story (New York: University Publishers Inc., 1960), pp. 160-161; Phillip O. Foss, Politics and Grass: The Administration of Grazing on the Public Domain (Seattle: University of Washington Press, 1960), pp. 48-50; Paul W. Gates, History of Public Land Law Development, with a concluding chapter by Robert W. Swenson (Washington, D.C.: U.S. Government Printing Office, 1968), pp. 608-610; Joseph Kinsey Howard, Montana: High, Wide, and Handsome (New Haven: Yale University Press, 1943), pp. 295-300; Michael P. Malone and Richard B. Roeder, Montana: A History of Two Centuries (Seattle: University of Washington Press, 1976), pp. 243-244; E. Louise Peffer, The Closing of the Public

Domain: Disposal and Reservation Policies, 1900-1950 (Stanford: Stanford University Press, 1951), pp. 201-202, 214-215; Frank J. Popper, "The Ambiguous End of the Sagebrush Rebellion," in Land Reform, American Style, p. 126, ed. Charles C. Geisler and Frank J. Popper (Totowa, New Jersey: Rowman & Allanheld, Publishers, 1984); Roy M. Robbins, Our Landed Heritage: The Public Domain, 1776-1970, rev. ed. (Lincoln: University of Nebraska Press, 1976), pp. 412, 421; John T. Schlebecker, Cattle Raising on the Plains, 1900-1961 (Lincoln: University of Nebraska Press, 1963), pp. 114-115; Joe A. Stout, Jr., "Cattlemen, Conservationists, and the Taylor Grazing Act," New Mexico Historical Review 45 (October 1970): 319; U.S. Department of Agriculture, The Western Range (Washington, D.C.: U.S. Government Printing Office, 1936), pp. 297-298.

CHAPTER I

THE PUBLIC DOMAIN GRAZING IMBROGLIO

The public domain has long been associated with the range livestock industry of the trans-Missouri West. The free grass the public lands offered in the nineteenth century gave rise to the western livestock business and was the foundation upon which rested the social, economic, and political strength of western stockraisers. But crowding of the open range and the advance of the farmer's frontier eroded the position of stockmen. Livestock interests sought means to protect the rangelands they had long used and had come to see as their own. Federal land policy, however, dictated unrestricted access to the public domain and favored the homesteader.

Out of necessity, graziers resorted to extralegal methods to protect their interests in the public domain; however, fraudulent homestead entries and illegal fencing only evoked the rancor of public opinion and federal enforcement of the public land laws. Continued constriction of the public lands, droughts, and poor markets after the turn of the century further exacerbated the problems of stockraisers dependent on the public domain for range. The worsening situation prompted the federal government and western livestock interests to advocate adoption of a new public lands grazing policy, but a lack of consensus and opposition to change led to years of bitter debate and an impasse on the issue.

The practice of grazing livestock on communal lands came to the trans-Missouri West prior to the Civil War. The custom had colonial origins and came to the Far West as a consequence of Hispanic settlement in the Southwest, American migration to the Oregon Country, Mormon colonization of the Great Basin, and the mining bonanza to California and the Rocky Mountains. Stockraising was integral to these frontier communities, but confinement to local markets restricted growth of the business. Not until after the Civil War would western stockmen achieve economic and political prominence in the region.[1]

Economic conditions at the end of the Civil War favored expansion of the western livestock industry. Cattle herds in the North and South had been diminished by wartime needs. This decrease, coupled with an increased demand for beef, pushed cattle prices upward. Texas stockmen, whose herds had multiplied as a result of the state's isolation during the war, were first to take advantage of the situation. Aided by the extension of railroads into the central Great Plains, Texans trailed cattle to the new railheads in Kansas and Nebraska for shipment to eastern stockyards.[2]

As an outgrowth of this Texas trade, stockraising spread to the Great Plains. Texas cattlemen found it profitable to fatten and mature their livestock after the long drive north before marketing. With extermination of the buffalo, concentration of the plains tribes on reservations, further railroad construction, and strengthening of beef prices after the Panic of 1873, the Great Plains cattle industry experienced a phenomenal boom. Sensing the opportunities offered, stockmen brought herds from Texas, the Pacific Northwest, and the

Midwest into the Great Plains. Between 1870 and 1880 the number of cattle in the Great Plains increased from little more than 400,000 to nearly 3,000,000 head. The basis of this bonanza was the availability of the public domain to stockraisers.[3]

The public lands were open to free and unrestricted grazing. No expressed policy of the federal government conferred this privilege; the policy came merely from sufferance.[4] As long as there was an abundance of free range, early ranchmen on trans-Missouri West frontier found the situation on the public domain satisfactory.

Open access to the public lands made substantial investment in land and range improvements unnecessary. When stockmen had overgrazed an area, they simply moved their herds to better pastures. Ranches were little more than a Homestead or Preemption entry of 160 acres made adjacent to a source of water, and ranch buildings usually consisted of a crude dwelling or dugout and a simple stable and corral for the horses. Cattle constituted the chief capital investment, but once purchased, the practice of turning the herds out upon the public domain to care for themselves until roundup for branding or marketing made operating costs minimal. Given the relatively small capital required to participate in the open range business, cattlemen in the late 1870s were able to reap handsome returns.[5]

Western stockraising interests continued to experience prosperity into the early 1880s. Beef prices edged steadily upwards. Eastern and foreign financial interests became eager to share in the bonanza and began speculating heavily in the cattle business. This investment mania, however, brought about overexpansion that jeopardized the

economic stability of the western livestock industry. Cattle numbers exceeded market demand, causing meat prices to decline. Worse, the overexpansion threatened the cornerstone of the cattle business: use of the public domain.[6]

The herds financed by the speculative excitement of the 1880s found little vacant free range available. Early stockraisers had already appropriated much of the public domain in the Great Plains and other regions of the trans-Missouri West prior. The new cattle companies, having no other choice, pushed into the areas used by older outfits. This crowding forced stockmen to overgraze the public domain. They feared that if their cattle did not take all the free grass they could, the herds of others would, leaving them with nothing. The overgrazing that resulted led to the deterioration of the public range, producing lower weight cattle which brought less at market. Cattle were also more vulnerable to loss from disease and the calamities that accompanied the droughts and harsh winters common to the West. To further aggravate the situation, sheepraising interests and the farmer's frontier began to make inroads into "cow country" at the same time. With competition for use of the public domain intensifying, livestock interests sought means to secure and protect their use of free grass.[7]

"It was the division of these spears of grass...," historian Ernest Staples Osgood observed, "that constituted the real problem of the cattleman's frontier."[8] What made the efforts of stockraisers to gain control of the public lands so difficult was the land policy of the federal government. After the Civil War, most of the public

rangeland that was surveyed and open to entry was made available for appropriation only under the settlement laws and not the auction and cash sale system that enabled individuals to acquire unlimited acreage.[9] This policy limited the amount of public land to which ranchers could obtain title. Unable to acquire the acreage they needed legally, western graziers adopted illegal means to take and hold the public land they used.

Stockmen in the early period of the cattle boom had found it sufficient to establish and hold range rights on the public lands through occupancy and use. To further strengthen their claims and dissuade trespassers, some cattlemen used local newspapers to advertise where their herds grazed. But the protection of range rights by virtue of squatter sovereignty, even with state and territorial laws that prohibited herds from being driven from their customary ranges, was difficult, and the attempts of local and state cattle associations to preserve the range rights of their members by excluding newcomers from roundups or intimidation also proved to be largely ineffective.[10] There were, however, other ways to safeguard range rights on the public domain.

In the trans-Missouri West, water controlled use of the range. Livestock needed water to survive and the stockmen who controlled the streams and springs in that semi-arid region had mastery over the adjacent public domain. An individual rancher could, by making entry under the Homestead, Preemption, Timber Culture, and Desert Land laws, acquire title to 1,200 acres, but many stockraisers found that acreage insufficient. To gain control of additional public land with water,

graziers, particularly the larger cattle outfits, resorted to fraudulent means. One common practice employed by stockraisers was to have their cowboys make entries under the settlement laws and then, upon the issuance of patents, purchase those claims. Fencing was another method used by ranching interests. The introduction of inexpensive barbed wire in the 1870s gave stockmen in the following decade the means by which they could place hundreds or thousands of acres of the public domain under their control by excluding other herds and homesteaders. The use of fraudulent entries and fencing, however, prompted public condemnation and government reaction.[11]

Public protest against the efforts of stockmen to preserve their range rights accused large cattle companies with attempting to monopolize the public domain. Charges were made that the efforts of cattle barons to control water sources denied small stockraisers access to free range and, even worse, it prevented homesteaders from taking up western lands. The allegations were confirmed by investigators of the General Land Office (GLO), the government agency responsible for the administration of the public lands, and action was taken to cancel settlement entries that had been made in bad faith.[12]

Congress also involved itself in combating the fraud problem. By the Unlawful Enclosures Act of 1885 the fencing of public lands was declared illegal and General Land Office agents began tearing down thousands of miles of barbed wire. In 1890, Congress enacted legislation restricting to 320 acres the amount of public land an individual could acquire under the agricultural land laws. The following year, the much abused Preemption and Timber Culture acts were repealed and

the Homestead and Desert Land laws amended in an effort to curb fraudulent entries under their provisions.[13]

Not all ranchmen saw unlawful entries and fencing as the best means for dealing with the problems the western livestock industry faced on the public lands. As early as the 1870s many stockraisers, along with politicians and government officials, urged abandonment of free and unrestricted grazing for a policy that would legitimize the stockmen's presence and allow for control of their customary range. Proposals called for public lands chiefly valuable as pasturage to be sold in unlimited quantities at a reasonable price, made available to enlarged homestead entry, or leased. Efforts to enact a new policy, however, were thwarted by the lack of consensus among proponents and persistent opposition to any change in the existing situation.

In his annual report for 1875, Commissioner of the General Land Office Samuel Burdett urged Congress to discontinue withholding grazing lands from sale in unlimited quantities. He argued for the change in policy because the limits placed upon agriculture in the semi-arid environment of the trans-Missouri West did not permit the region's public lands to be taken up honestly under the settlement laws. President Ulysses S. Grant supported the Land Office proposal and Burdett's successor, James Williamson, repeated the recommendation in his annual reports for 1876 and 1877. The Public Lands Commission created in 1879 by Congress to review the public land laws and suggest needed changes gave consideration to the sales proposal. Taking testimony from individuals throughout the West, the Commission found

considerable support for the sale of public rangelands and recommended in their report to Congress the public sale of grazing lands.[14]

In Congress, however, the proposal of opening to sale the public lands chiefly valuable as pasturage had little support. Some in Congress opposed the idea because the opportunities that had allowed the western livestock industry to expand would be lost if the policy of free and unrestricted grazing was abandoned. Other politicians agreed with the public sentiment that homesteaders and small ranchers would be hurt by a sale policy, for large stockraising outfits and monied interests would come to monopolize the public domain. Instead of declaring more public lands open to sale, Congress in 1889 repealed, with some exceptions, the public land sales laws.[15]

Enlarged homestead entry was another proposed solution to the public lands grazing problem. In his Report on the Lands of the Arid Region of the United States first published in 1878, John Wesley Powell proposed opening the public lands chiefly valuable for grazing to enlarged homestead entry. Powell, who had spent a decade conducting geographic and scientific explorations throughout the West, argued that only grazing could succeed in much of the semi-arid West and that large acreages of land were necessary to support the herds of stockmen. He felt that pasturage homesteads of 2,560 acres--four square miles--would be sufficient to meet that requirement.[16]

The Public Lands Commission of 1879-1880, of which Powell was a member, received much testimony favoring the idea of enlarged homesteads and in its report to Congress recommended that the pasturage homesteads, along with sale, be one of the means by which public

grazing lands were disposed of. Congress, as with the sales proposal, did not like the grazing homestead proposal, feeling that large western livestock interests would fraudulently use such entries to monopolize the public domain. Instead, Congress in 1890 restricted individuals making entry under the settlement laws to no more than 320 acres of public land. It would not be until after the turn of the century that Congress would choose to discuss grazing homesteads.[17]

Stockraisers also looked at the leasing of public lands as a method by which they could protect their customary range. Commissioner of the General Land Office Burdett in 1875 noted that the withholding of public lands west of the hundredth meridian from sale had compelled "interested parties" to suggest a leasing system by which stockmen could control portions of the public domain for grazing purposes at reasonable expense. Two years later President Rutherford B. Hayes and Secretary of the Interior Carl Schurz urged consideration of the proposal. Many ranchers voiced support for the idea in testimony taken by the Public Lands Commission. Graziers from Montana and Wyoming, fearing the growing influx of southwestern cattle onto the already crowded ranges of the northern Great Plains, got the 1884 National Cattlemen's Convention to pass a resolution asking Congress to consider leasing the public lands to stockraisers.[18]

Leasing, like the sales and enlarged homestead proposals, was not well received. Many, like Commissioner of the General Land Office Burdett, felt that leasing was not in harmony with the public land system. Others argued, as Joseph Nimmo did in his 1885 investigation of the western livestock business, that leaseholds on the public domain

would allow for monopoly on the public ranges and would consequently retard homesteading and commercial competition. Others pointed out that the livestock industry was in a period of transition and that leasing would only place unneeded constraints on the development of the business. Congress apparently agreed with these arguments, for it did not give the proposal consideration.[19]

With Congress reluctant to enact legislation providing the western livestock industry secure tenure on the public domain, the grazing situation on the public lands continued to deteriorate into the 1890s. Once exclusive cattle ranges began to be invaded by the sheep herds of stockmen who now found raising woolies profitable. Homesteaders also made inroads into the range country after the drought and economic depression earlier in the decade ended. The worsening crowding and overgrazing led to violence as cattlemen, sheepmen, and settlers struggled for control of the public lands. Fraudulent entries and unlawful enclosures, which had never completely disappeared despite government efforts, became prevalent again. By the turn of the century the growing confusion and lawlessness gave new impetus to those wanting to end free and open grazing on the public domain.[20]

Although some felt that order could best be brought to the grazing commons through the cession of the public lands to the states, most seeking a new public lands grazing policy at the turn of the century focused their attention on the idea of leasing. Stockraisers began to earnestly consider the leasing proposal at the organizational convention for the National Stock Growers Association (later National Live Stock Association) in 1898 and continued to hotly debate the issue of

leasing at annual conventions that followed. The following year the Secretary of Agriculture spoke in favor of leasing the public lands to graziers in his annual report, and in Congress the first of many leasing bills was introduced.[21]

Serious consideration of a federal leasing plan arrived with Theodore Roosevelt's presidency. In 1901 the General Land Office noted that stockmen had once again resorted to making fraudulent entries and erecting illegal enclosures on the public lands, and soon afterward special agents attempted to stop these unlawful activities. The next year in his annual message to Congress, President Roosevelt noted the public land grazing problem and the need for a solution but did not commit himself to any particular course of action. The President's concern for the issue, as well as for other problems associated with the use and settlement of the public lands, led him to call for creation of a commission that would investigate conditions on the public domain and recommend changes in administration of the public lands.[22]

This second Public Lands Commission earnestly sought a solution to the grazing problem. It distributed a questionnaire among western stockgrowers asking for their views of conditions on the public domain. The majority of the 1,400 respondents told the Commission that they felt the carrying capacity of the public land they utilized was diminishing because of overcrowding.[23] Moreover, 1,090 of these stockmen stated that they favored some form of federal regulation on the public range. The Public Lands Commission also had Frederick V. Coville, a botanist with the Department of Agriculture, examine the

merits of leasing the public lands to ranchers. Coville investigated the leasing of grazing lands by the Northern Pacific Railroad Company in the Pacific Northwest and the states of Texas and Wyoming. He concluded that leasing benefited both ranchmen and the range and advocated that the federal government inaugurate a permit system.[24] The Commission concurred with Coville in their recommendation to the President and Congress.[25]

In presenting this proposal, the second Public Lands Commission knew that federal regulation of grazing on the public domain was not without precedent. Since 1897 the Department of the Interior had been administering grazing use within the nation's forest reserves. The reserves were a consequence of a provision in the Public Land Reform Act of 1891 that gave the President authority to withdraw timberlands on the public domain from settlement and disposition. At first, citing no authority for such use, the Secretary of the Interior declared the reserves closed to grazing, but stockgrowers ignored the order. With passage of a law in 1897 providing for administration of the forests, the Secretary opened the reserves to grazing under permit. There were problems with instituting a grazing program for the forest, particularly with regard to whether sheep should be allowed within the reserves. Despite such problems, the program brought a sense of order to forest grazing.[26]

After receiving the recommendation of the Public Lands Commission, President Roosevelt favored leasing of public grazing lands as part of his administration's conservation program. Roosevelt, in a special message to Congress in 1906, called the grazing situation intolerable

and urged that the Secretary of Agriculture be authorized to regulate grazing on the public domain in a manner that would protect the interests of settlers. Interested parties introduced bills providing for grazing control, but none reached the floor of Congress. Undeterred, the President had a leasing measure included in the 1907 appropriation bill for the Department of Agriculture.[27]

The Roosevelt administration's proposal encountered strong opposition in Congress. Antagonists of regulated grazing raised the old arguments that leasing would allow large livestock operators to monopolize the range and retard homesteading. Supporters countered that to stop overgrazing and the destruction of the range, grazing on the public lands had to be regulated; leasing, in their view, would not interfere with settlement. The arguments of opponents, however, prevailed and the leasing measure was eliminated from the bill.[28]

The hostility displayed during debate of the 1907 Agricultural Appropriations Bill revealed the extent of the antagonism toward the idea of controlled grazing. Legislation providing for the lease of public rangelands continued to be introduced after 1907. Proponents of regulated grazing, however, did not attempt to force the issue and, consequently, no leasing bill received serious consideration for several years.[29]

After defeat of the Roosevelt leasing measure, the grazing situation on the public domain continued to deteriorate. A land rush brought about by the advent of dryland farming and the enactment of the Enlarged Homestead Act of 1909 and Three-Year Homestead Act of 1912 saw millions of acres of public land fenced and plowed by tens-of-thousands

of land hungry settlers. The constriction of free and open range sharpened competition between stockmen, so interest in the grazing question again came to the forefront of public land politics.[30]

In 1914, a bill calling for the lease of public lands under the direction of the Department of Agriculture was introduced in the House of Representatives. The measure evoked much interest and the House Committee on Public Lands held hearings on the proposal. In taking testimony the committee heard from many who favored regulated grazing, but despite the support voiced, the committee and Congress came to see pastoral homesteads as the answer to the public land grazing problem.[31]

Interest in John Wesley Powell's proposal had never completely died. The president of the National Live Stock Association publicly supported the idea of 2,500-acre grazing homesteads at the 1901 convention but failed to secure the organization's endorsement. Three years later Congress enacted the Kinkaid Act, which provided for entry of 640 acres of nonirrigable land in parts of northwestern Nebraska. The law sought to determine whether or not pastoral homesteads were an answer to the agricultural and grazing problems that plagued the West. Although viewed as an immediate success by some westerners, Congress chose not to consider seriously extending the act to the remainder of the public domain until 1914. Supporters viewed grazing homesteads as a means of encouraging immigration and bringing prosperity to the more arid regions of the West. Western livestock interests, fearing further break up of the range, opposed the idea. Despite the protests of stockmen, Congress in 1916 enacted a grazing homestead measure introduced by Congressman Edward T. Taylor of Colorado.[32]

The Stock Raising Homestead Act provided for 640-acre entries on lands determined to be valuable primarily for grazing or the growing of forage crops. At first, the law seemed to offer hope of fulfilling its promise by providing small ranches in the semi-arid West. By 1920 the General Land Office had allowed more than 36,000 entries. Clay Tallman, Commissioner of the General Land Office, in his annual report for that year, declared that the Grazing Homestead Law was helping alleviate the problems that plagued grazing on the public domain.[33]

Not all were singing the praises of the Stock Raising Homestead Act. Soon after passage of the Grazing Homestead Law, Will Barnes, a Forest Service grazing expert, contended that 640 acres would not support enough livestock for a family ranch and that the development of water sources would prove too costly for most settlers. These facts became increasingly true after World War I as drought and agricultural depression devastated the western livestock industry. In the 1920s other critics accused the Stock Raising Homestead Act of misleading homesteaders into believing that they could establish ranches on a section of land and for being responsible for the suffering of those foolish enough to make entries. The General Land Office joined the detractors. In 1923 Commissioner William Spry stated that the public lands best suited to settlement under the grazing homestead law had been appropriated and that those making entries could not comply with the act's requirements in good faith. Spry urged repeal of the Stock Raising Homestead Act and enactment of a law that would permit the Department of the Interior to regulate grazing on the public domain. Others echoed Spry's appeal.[34]

The Stock Raising Homestead Act was not the only problem on the public range in the 1920s. Crowding and overgrazing persisted, and the fencing of the public lands, particularly in the Southwest, continued to be a source of complaint. Pressure to abandon the free and open grazing on the public domain heightened.[35]

"It was pretty generally conceded by 1920," wrote historian E. Louise Peffer, "that some sort of grazing regulation [on the public domain] was imperative. The problem was not what should be done but who should do it."[36] Both the Agriculture and the Interior Departments wanted to administer grazing on the remnants of the unappropriated and unreserved public lands. The bureaucratic rivalry had begun during the administration of Theodore Roosevelt and had intensified after World War I. Events in the early 1920s, like the Teapot Dome scandal which called into question the Department of the Interior's ability to manage the public domain for conservation purposes, favored the Agriculture Department as best suited to administer grazing on the public lands. The Forest Service in 1924, however, made the mistake of proposing that national forest grazing fees be raised to rates comparable to those for private lands. Ranchers who used the national forests bitterly protested the plan and support for the Department of Agriculture's administration of public land grazing quickly eroded.[37]

In 1925 the Senate conducted an investigation of grazing in the national forests and on the public domain. From these hearings, in which the Department of Agriculture and its agency, the Forest Service, were often the target of criticism, Senator R. N. Stanfield of Oregon drafted a national forest and public lands grazing bill. As to the

public domain, the Stanfield measure gave administration of the public range to the Interior Department. Upon petition by local stockmen, Interior officials were authorized to establish grazing districts. Preference to leasing public lands was to be given to ranchers who owned lands within these grazing districts and those who customarily grazed there. Leases were to be for a ten-year period and moderate charges.[38]

Neither Interior or Agriculture officials liked the legislation. They felt grazing administration as provided for in the bill would be expensive and cumbersome. Furthermore, they protested a provision that allowed stockmen to establish appeal boards which could overrule decisions made by grazing district supervisors. In cooperation with Senator Stanfield, the two departments revised the bill. While the measure did reach the floor of Congress, and in 1927 a law regulating grazing on the public domain in Alaska was passed, the Stanfield bill could not overcome the old arguments that leasing favored large livestock interests and would close the public lands to homesteading. Like all the measures before it, the Stanfield bill was defeated.[39]

Congress seemed hopelessly deadlocked on the question of regulating grazing on the remnants of the public domain. Reacting in frustration to this situation, the Commissioner of the General Land Office, William Spry, in his annual report for 1928, called for allowing grazing homesteads of 1,280 acres should Congress continue to thwart enactment of a grazing lease law.[40]

Not everyone was so pessimistic. In Montana a group of small ranchers were determined to break the impasse. They wanted to convince

Congress to lease to them the public lands adjacent to their holdings as an experiment to judge whether or not regulation of grazing on the public domain would benefit the western livestock industry.

ENDNOTES

[1]Terry G. Jordan, Trails to Texas: Southern Roots of Western Cattle Ranching (Lincoln: University of Nebraska Press, 1981), passim; Edward Everett Dale, The Range Cattle Industry: Ranching on the Great Plains from 1865 to 1925, New Edition (Norman: University of Oklahoma Press, 1960), pp. 3-10, 15-18, 60-62; Ernest Staples Osgood, The Day of the Cattleman, Reprint (Chicago: University of Chicago Press, 1970), pp. 1-23; L. T. Burcham, "Cattle and Range Forage in California," in Agricultural History 35 (July 1961): 140-146; Richard J. Morrisey, "A History of the Cattle Industry in Arizona," Agricultural History 24 (July 1950): 151; Orin J. Oliphant, On the Cattle Ranges of Oregon Country (Seattle: University of Washington Press), pp. 3-89; Don D. Walker, "The Cattle Industry of Utah, 1850-1900," Utah Historical Quarterly 32 (Summer 1964): 182-183; Robert G. Cleland, The Cattle on a Thousand Hills: Southern California, 1850-1880 (San Marino: The Huntington Library, 1951, pp. 102-209; and U.S. Department of Agriculture, The Western Range (Washington, D.C.: U.S. Department of Agriculture, 1936), pp. 120-122.

[2]Dale, The Range Cattle Industry, pp. 10-14, 33-44; Osgood, Day of the Cattleman, pp. 27-38; and Arrell M. Gibson, "Utilization of the Public Domain of the Central and Northern Plains by the Range Cattle Industry, 1865-1900," M.A. thesis, University of Oklahoma, 1948, pp. 17-19.

[3]Dale, The Range Cattle Industry, pp. 20-30, 70-76; Osgood, Day of the Cattleman, pp. 59-88; and George W. Rollins, "The Struggle of the Cattleman, Sheepman, and Settler for Control of Lands in Wyoming, 1867-1919," Ph.D. dissertation, University of Utah, 1951, p. 43.

[4]Valerie Weeks Scott, "The Range Cattle Industry: Its Effect on Western Land Law," Montana Law Review 28 (1967): 160.

[5]Dale, The Range Cattle Industry, p. 83; Osgood, Day of the Cattleman, p. 83, 199-200; and Rollins, "Struggle of the Cattleman," pp. 45-46.

[6]Louis Pelzer, The Cattlemen's Frontier: A Record of the Trans-Mississippi Cattle Industry from Oxen Trains to Pooling Companies, 1850-1890 (Glendale, California: Arthur H. Clark Co., 1936), pp. 119-133; and Gene M. Gressley, Bankers and Cattlemen (Lincoln, University of Nebraska Press, 1971), passim.

[7]Osgood, Day of the Cattleman, pp. 91-94, 189; Dale, The Range Cattle Industry, p. 176; and Gary D. Libecap, Locking Up the Range: Federal Land Controls and Grazing (Cambridge, Massachusetts: Ballinger Publishing Co., 1981), pp. 24-27.

[8]Osgood, Day of the Cattleman, p. 182.

[9]Paul Wallace Gates, "The Homestead Law in an Incongruous Land System," in The Public Lands: Studies in the History of the Public Domain, ed. Vernon Carstensen (Madison: University of Wisconsin Press, 1962), pp. 320-321.

[10]Osgood, Day of the Cattleman, pp. 182-190; Dennen R. Taylor, "From Common to Private Property: The Enclosure of the Open Range," Ph.D. dissertation, University of Washington, 1975, pp. 50-70; and Scott, "The Range Cattle Industry," pp. 177-178.

[11]Osgood, Day of the Cattleman, pp. 190-192 and 203-205; Dick, Lure of the Land, pp. 224-236; Gibson, "Utilization of the Public Domain," pp. 65-69; Harold H. Dunham, Government Handout: A Study in the Administration of the Public Lands, 1875-1891 (New York: Da Capo Press, 1970), pp. 42-45, 109-111; and William R. White, "Illegal Fencing on the Colorado Range," Colorado Magazine 52 (Spring 1975: 93-113.

[12]Paul W. Gates, History of Public Land Law Development, with a chapter by Robert W. Swenson (Washington, D.C.: U.S. Government Printing Office, 1968), pp. 466-467; and Gibson, "Utilization of the Public Domain," pp. 69-72.

[13]Gates, History of Public Land Law Development, pp. 467-468 and 484; and Dunham, Government Handout, pp. 111-112, 179-182.

[14]U.S. General Land Office, Annual Report of the Commissioner of the General Land Office for the Fiscal Year Ending June 30, 1875 (Washington, D.C.: U.S. Government Printing Office, 1875), pp. 6-9; Phillip O. Foss, Politics and Grass: The Administration of Grazing on the Public Domain (Seattle: University of Washington Press, 1960), p. 39; Gates, "Homestead Law in an Incongruous Land System," p. 337; and U.S. Public Lands Commission, Report of the Public Lands Commission, Created by the Act of March 3, 1879 (Washington, D.C.: U.S. Government Printing Office, 1880), passim.

[15]Rollins, "Struggle of the Cattleman, Sheepman, and Settler," pp. 199-204; Gates, History of Public Land Law Development, p. 419; Dunham, Government Handout, p. 182; and Gates, . 339-340.

[16]John Wesley Powell, Report on the Lands of the Arid Region of the United States with a More Detailed Account of the Lands of Utah, Second Edition (Washington, D.C.: U.S. Government Printing Office, 1879), passim.

[17]Public Lands Commissions, Report (1880), passim; Gates, History of Public Land Law Development, pp. 419-420; and Gates, "Homestead Law in an Incongruous Land System," p. 340.

[18]General Land Office, Annual Report for 1875, pp. 8-9; Foss, Politics and Grass, p. 40; Dunham, Government Handout, p. 40; Public Lands Commission, Report (1880), passim; and Gressley, Bankers and Cattlemen, pp. 237-239.

[19]General Land Office, Annual Report for 1875, p. 9; Joseph Nimmo, Jr., Report in Regard to the Range and Ranch Cattle Business of the United States (Washington, D.C.: U.S. Government Printing Office, 1885), pp. 47-48; and Rollins, "Struggle of the Cattleman, Sheepman, and Settler," pp. 199-204; and Robert S. Fletcher, "The End of the Open Range in Eastern Montana," Mississippi Valley Historical Review 16 (1929-1930): 196-197.

[20]Dale, The Range Cattle Industry, pp. 98-99; Rollins, "Struggle of the Cattleman, Sheepman, and Settler," pp. 321-344; Wayne Gard, "Rivals for Grass," Southwest Review 33 (Summer 1948): 270-273; Fred A. Shannon, The Farmer's Last Frontier: Agriculture, 1860-1897 (New York: Holt, Rinehart and Winston, Inc., 1945; reprint ed., White Plains, New York: M. E. Sharpe, Inc., 1973), pp. 208-220; Fletcher, "End of the Open Range in Eastern Montana," pp. 201-204; Gates, History of Public Land Law Development, pp. 486-487; E. Louise Peffer, The Closing of the Public Domain: Disposal and Reservation Policies, 1900-1950 (Stanford: Stanford University Press, 1951), pp. 77-82; and Arthur R. Reynolds, "Land Laws and Illegal Fencing in Western Nebraska," Agricultural History 23 (July 1949): 173-179.

[21]Peffer, The Closing of the Public Domain, pp. 27-28; Foss, Politics and Grass, p. 41; and Michael G. McCarthy, Hour of Trial: The Conservation Conflict in Colorado and the West, 1891-1907 (Norman: University of Oklahoma Press, 1977), pp. 100-101.

[22]Peffer, The Closing of the Public Domain, pp. 74 and 77-82; Reynolds, "Land Frauds and Illegal Fencing," p. 173; and Samuel P. Hays, Conservation and the Gospel of Efficiency: The Progressive Conservation Movement, 1890-1920, Second Edition (New York: Atheneum, 1975), pp. 61-62.

[23]Albert F. Potter, "Questions Regarding the Grazing of Public Grazing Lands of the Western United States," in Report of the Public Lands Commission, With Appendix, U.S. Public Lands Commission (Washington, D.C.: U.S. Government Printing Office, 1905), pp. 5-25.

[24]Frederick V. Coville, "A Report on Systems of Leasing Large Areas of Grazing Land, Together with an Outline of a Proposed System for the Regulation of Grazing on the Public Lands of the United States," in Ibid., pp. 26-61.

[25]U.S. Public Lands Commission, Report of the Public Lands Commission, With Appendix (Washington, D.C.: U.S. Government Printing Office, 1905), pp. xx-xxiii.

[26]William D. Rowley, U.S. Forest Service Grazing and Rangelands: A History (College Station: Texas A&M University Press, 1985), pp. 22-54 and Hays, Conservation and the Gospel of Efficiency, p. 63.

[27]Peffer, The Closing of the Public Domain, pp. 84-85 and 90.

[28]Ibid., pp. 90-91; and McCarthy, Hour of Trial, pp. 202-205.

[29]Peffer, The Closing of the Public Domain, p. 158; and Hays, Conservation and the Gospel of Efficiency, pp. 64-65.

[30]Peffer, The Closing of the Public Domain, pp. 142-149, 152-160; John T. Schlebecker, Cattle Raising on the Plains, 1900-1961 (Lincoln: University of Nebraska Press, 1963), pp. 50-51; Mary W. M. Hargreaves, Dry Farming in the Northern Great Plains: 1900-1925 (Cambridge, Harvard University Press, 1957), passim; and Paul W. Gates, "Homesteading on the High Plains," in Agriculture in the Great Plains, 1876-1936, ed. Thomas R. Wessel (Washington, D.C.: The Agricultural History Society, 1977), pp. 121-127.

[31]Gates, History of Public Land Law Development, pp. 513-515.

[32]Ibid., pp. 512-516; and Peffer, The Closing of the Public Domain, pp. 75, 139-141, and 158-161.

[33]Gates, History of Public Land Law Development, pp. 517-520.

[34]Ibid., pp. 519-522; Peffer, The Closing of the Public Domain, pp. 166-168 and 201; Schlebecker, Cattle Raising on the Plains, p. 85; Ora B. Peake, The Colorado Range Cattle Industry (Glendale, California: Arthur H. Clark Co., 1937), pp. 67-68 and 143-144; General Land Office, Annual Report for 1923, pp. 8-9; Edwards, The Range Cattle Industry, pp. 177-181; and Gates, "Homesteading on the High Plains," pp. 128-129.

[35]See Will C. Barnes, The Story of the Range (Washington, D.C.: U.S. Government Printing Office, 1926), passim; V. V. Parr, G. W. Collier, and G. S. Klemmedson, Ranch Organization in the Southwest, U.S. Department of Agriculture Technical Bulletin No. 68 (1928), passim; E. O. Wooton, The Relationship of Tenure to the Use of Arid Grazing Lands of the Southwest, U.S. Department of Agriculture Bulletin No. 1001 (February 1922), passim; M. L. Wilson, R. H. Wilcox, G. S. Klemmedson, and V. V. Parr, A Study of Ranch Organization and Methods of Range-Cattle Production in the Northern Great Plains Region, U.S. Department of Agriculture Technical Bulletin No. 45 (1928), passim; Jesse R. Hagy, "The New Mexico Cattle Growers' Association, 1914-1934," M.A. thesis, University of New Mexico, 1951, pp. 77-78; and Sanford A.

Mosk, Land Tenure Problems in the Santa Fe Railroad Grant Area (Berkeley: University of California Press, 1944), passim.

[36]Peffer, The Closing of the Public Domain, pp. 169-170.

[37]Ibid., pp. 170-175 and 185-190; Rowley, Forest Service Grazing, pp. 121-136; Allen J. Soffar, "Differing Views on the Gospel of Efficiency: Conservation Controversies Between Agriculture and Interior, 1898-1938," Ph.D. dissertation, Texas Tech University, 1974, pp. 238-240; and William Voigt, Jr., Public Grazing Lands: Use and Misuse by Industry and Government (New Brunswick, New Jersey: Rutgers University Press, 1976), pp. 58-64.

[38]Peffer, The Closing of the Public Domain, pp. 182, 190-192; U.S. Congress, Senate, Hearings Pursuant to S. Res. 347 to Investigate All Matters Prelating to National Forests and the Public Domain and Their Administration, 3 vols., 69th Cong., 1st sess., 1926, passim; and Idem., Grazing Facilities on Public Lands: Hearings on S. 2584, 69th Cong., 1st sess., 1926, passim.

[39]Peffer, The Closing of the Public Domain, pp. 192-201; U.S. Congress, Senate, Hearings on S. 2584, passim; and Act of March 4, 1927, U.S. Statutes at Large, 44, p. 145.

[40]General Land Office, Annual Report for 1928, p. 14.

CHAPTER II

BRINGING ORDER TO THE CHAOS: CREATING THE MIZPAH-PUMPKIN CREEK GRAZING DISTRICT

Stockmen in southeastern Montana during the 1920s faced the same dilemmas that confronted all western ranchers who depended upon the public domain for supplemental range. The local land pattern was mixed. In checkerboard fashion, the Northern Pacific Railroad Company's land grant covered much of the area. The State of Montana had scattered lands. In the decade before World War I, thousands of hopeful homesteaders came but soon abandoned their dreams with the drought and depression that followed the war.

The crazy-quilt ownership pattern that had evolved made consolidation of lands for most graziers difficult. The interspersed remnants of the public domain open to all without restriction only aggravated matters. The situation threatened the economic stability of the region's ranchers, but a group of determined stockmen, inspired by a railroad agricultural agent, sought to find a solution to the problem.

Evan Hall began work as the new agricultural supervisor of the Chicago, Milwaukee and St. Paul Railway Company in May 1926.[1] The railroad was in the midst of bankruptcy and hoped that the establishment of agricultural agents who could assist the farmers and

stockmen along its routes would increase its traffic.[2] In Hall, the company selected a man who could do the job they wanted.

When the Milwaukee Road, as the Chicago, Milwaukee and St. Paul Railway Company was nicknamed, hired Hall, he already had considerable experience as an agricultural agent. A 1909 graduate of North Dakota Agricultural College, Hall had begun his career as a farmer with the Office of Indian Affairs on the Fort Berthold Indian Reservation. He then worked in Wyoming and the Dakotas as an agricultural agent.[3] The experience had imbued Hall with the traits so often associated with the successful agricultural agent: a persuasive style of leadership, an infectious sense of enthusiasm, and a genuine desire to assist farmers and stockmen in helping themselves.[4] Moreover, he intended to put his experience to good use in his new job by developing an agricultural program "based on sound economic principles" that would benefit the region he now worked in.[5]

Evan Hall immediately set about the task of acquainting himself with the state of affairs in southeastern Montana. He found that the area, like the rest of the Great Plains, was suffering from drought and the effects of the post-World War I agricultural depression. The homesteaders that had flocked to the region in the years before the war were mostly gone, and stockraisers were plagued by the problems caused by the break up of the public domain and low livestock prices.[6] With local businessmen, bankers, farmers and stockmen he discussed the problems that beset agriculture and listened to their ideas on how the situation should be handled. The observations and suggestions Hall valued most, however, came from those who worked the land.[7] It was

from one of his early discussions with local farmers and ranchers that the idea of the Mizpah-Pumpkin Creek Grazing District emerged.

Soon after Hall had arrived in Miles City, he asked the county extension agent, Paul Lewis, to arrange a meeting with a few of the best farmers and stockmen in the area to discuss the agricultural problems of southeastern Montana. On June 16 he met in Miles City with four men whom Lewis had contacted. Talking freely with the new railroad agricultural agent, the participants discussed a variety of problems, but conversation most often centered on the inability of local stockraisers to secure control of adequate range. After the meeting, Hall continued discussion of this problem with one of the group.[8]

Nic Monte had a ranch southeast of Miles city along lower Pumpkin Creek, a tributary of the Tongue River. He had come to Montana in 1903 to work as a cowboy. Years later he homesteaded and began a small ranch.[9] Through purchase and lease he controlled more than 4,000 acres, but this was insufficient for the livestock he raised.[10] For the remaining acreage, Monte, along with his neighbors and transient stockmen, depended on the unfenced private lands and public domain adjacent to his ranch.

Monte's livestock grazed the range between the lower reaches of Pumpkin and Mizpah creeks. Here badlands, buttes, and mesas cut by numerous ravines dominated the landscape. An 1876 commentator likened the country to a "non-atmospheric planet" and felt looking at the place made "one's heart sick."[11] Water, as with much of the semi-arid Great Plains, was scarce. Pumpkin and Mizpah creeks carried water at spring

thaw and after heavy rains and a few natural springs can be found, but there was little other water to be found. Forage was more plentiful than water. Grama, little bluestem and other grasses carpeted much of the area at the time.[12] In virgin condition, these grasses had grown to the height of a cowboy's stirrups, but overgrazing from decades of uncontrolled competition between stockmen for use of the area and roaming herds of abandoned and worthless horses had resulted in the more palatable native grasses giving way to less voluminous and nourishing species. This destruction of the range reduced its carrying capacity by more than half.[13] The situation threatened the livelihoods of Monte and resident ranchers.

What prevented Monte and other stockraisers from controlling and better utilizing this range was the area's varied land ownership pattern. The Northern Pacific Railway Company held title to nearly half the land, having been unable to sell this portion of its grant. Intermixed with the railroad lands were 160- and 320-acre parcels abandoned by homesteaders after the war, a few sections of state-owned land, and remnants of the public domain.[14] The scattered tracts of public land could not be legally controlled and the leasing of private lands was complicated by the numerous landowners, many unwilling to offer long-term leases at reasonable rates because they hoped a rush for farmland might someday return.[15]

To Evan Hall, Nic Monte's situation offered an "opportunity to demonstrate the value of controlled grazing."[16] He outlined to Monte a proposal that called for the rancher and his neighbors to pool their

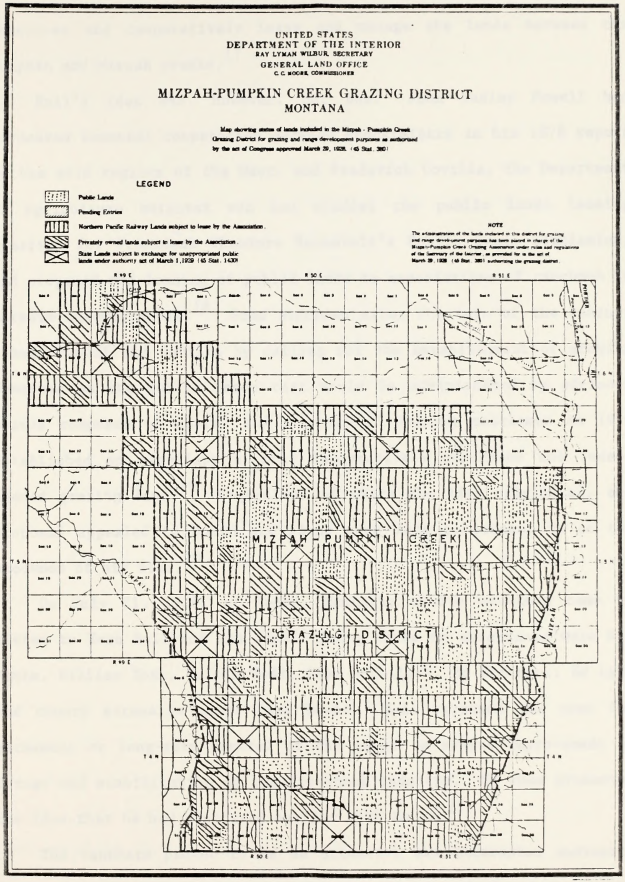
UNITED STATES
DEPARTMENT OF THE INTERIOR
RAY LYMAN WILBUR, SECRETARY
GENERAL LAND OFFICE
C.C. MOORE, COMMISSIONER
MIZPAH-PUMPKIN CREEK GRAZING DISTRICT
MONTANA
Map showing status of lands included in the Mizpah - Pumpkin Creek Grazing District for grazing and range development purposes as authorized by the act of Congress approved March 29, 1928. (45 Stat. 380)
LEGEND
Public Lands
Pending Entries
Northern Pacific Railway Lands subject to lease by the Association.
Privately owned lands subject to lease by the Association.
State Lands subject to exchange for unappropriated public lands under authority act of March 1, 1928 (45 Stat. 1400)
NOTE
The administration of the lands embraced in this district for grazing and range development purposes has been placed in charge of the Mizpah-Pumpkin Creek Grazing Association under rules and regulations of the Secretary of the Interior as provided for in the act of March 29, 1928 (45 Stat. 380) authorizing the grazing district
R 49 E
R 50 E
R 51 E
T 8 N
T 9 N
T 10 N
MIZPAH - PUMPKIN CREEK
GRAZING DISTRICT

Figure 1. Map of Mizpah-Pumpkin Creek Grazing District Land Ownership Pattern in 1928.

resources and cooperatively lease and manage the lands between the Pumpkin and Mizpah creeks.[17]

Hall's idea was, however, not new. John Wesley Powell had advocated communal cooperation between stockraisers in his 1878 report on the arid regions of the West, and Frederick Coville, the Department of Agriculture botanist who had studied the public lands leasing question for President Theodore Roosevelt's Public Lands Commission, had proposed the leasing of public lands to associations of ranchmen in certain circumstances.[18] Some stockmen after the turn of the century echoed Powell and Coville by calling for the establishment of grazing reserves on the public lands that would be administered by advisory boards composed of users, and a group of Wyoming cattlemen in 1914 established an organization that cooperatively purchased and leased needed grazing land.[19] Regardless of where the idea originated, the proposal appealed to Monte and plans were made to present it to the stockmen of his area.[20]

On July 21, 1926, at Beebe, Montana, twelve stockmen came to listen to Evan Hall and his idea. Among those in attendance were Nic Monte, William Tonn, Calvin Todd, Alex McCulloch, Ed Whitbeck, Ed Lyte and county extension agent Paul Lewis. Hall stressed the need for permanent or long-term control of the range to ensure improvement of forage and stabilization of the livestock industry. He then presented the idea that he had discussed earlier with Monte.[21]

The ranchers proved to be an attentive and interested audience. They unanimously voted to support the proposal and sketched out the area to be cooperatively managed. Aware that no plan would work

without lease of the Northern Pacific Railroad Company lands or the public domain, the men set up committees to look into the matter of securing use of these tracts.[22]

Northern Pacific officials proved supportive of the idea of leasing railroad lands to the proposed association. The company had been unable to either sell or lease much of its grant between Pumpkin and Mizpah creeks. The proposal offered the railroad an opportunity to both improve the livestock carrying capacity of these lands and derive revenues from lands currently being grazed without charge.[23]

The committee on public lands led by Evan Hall faced a more difficult task. To lease and fence the public lands within the proposed reserve required the introduction of special legislation. Success of the project hinged on control of these lands. The stockmen, undoubtedly aware of the ongoing debate in Congress on the grazing issue, knew the difficulties they faced in securing such legislation.[24]

On the public lands question, Hall decided to first approach the Forest Service. It is probable that Hall had already envisioned administration of the proposed grazing reserve along lines similar to those in the national forests and that he wanted the Forest Service to oversee the public lands within the project. With this in mind, Hall met with the supervisor of the Custer National Forest, Alva A. Simpson. The two men discussed Hall's idea and the possibility of moving the needed legislation through a recalcitrant Congress. At the end of their meeting, Simpson, who undoubtedly saw an opportunity to extend Forest Service range practices to the public domain, offered his assistance.[25] Hall would find in Simpson a man he could depend on.

Evan Hall then met with eastern Montana Congressman Scott Leavitt.[26] Going to Great Falls in early August, the Milwaukee Road agent explained his idea to Leavitt, and the Republican congressman was intrigued by Hall's proposal for a cooperative grazing district. Leavitt had been with the Forest Service before entering politics and he knew the benefits controlled grazing offered. At Hall's request, he agreed to visit the proposed reserve and meet with the ranchers interested in the idea.[27]

Leavitt's visit took place on August 31 and September 1. The first day, Evan Hall, E. W. Sheets from the recently established Agriculture Department, county agricultural agent Paul Lewis, a Northern Pacific Railroad Company representative, Alva Simpson from the Forest Service, and interested ranchers discussed the idea of a cooperative range project with the congressman. The group then made an inspection of a part of the proposed reserve. Leavitt had intended a one-day visit but, after having met with the local ranchers, he wanted to take a closer look at the area. For the next two days, he rode horseback across the range between Pumpkin and Mizpah creeks with Forest Supervisor Alva Simpson, ranchers Nic Monte and William Tonn, and a few others. The trip firmly committed Leavitt to Hall's proposal. He saw the plan as a means of demonstrating the advantages of leasing the public domain to stockmen and promised to work toward securing the necessary legislation.[28]

Leavitt's support spurred Hall and the stockmen to action. In late September a meeting was held to work out details of the reserve. Nine ranchers expressed a desire to participate. They decided that

management of the grazing district should be similar to that in the national forests and that administration of the project was to be placed under either the Forest Service or the Bureau of Animal Industry. The group also selected a name for the future reserve: the Mizpah-Pumpkin Creek Grazing District.[29]

Evan Hall worked on securing more support for the proposed reserve. With county extension agent Paul Lewis and rancher William Tonn, he talked to Senator Thomas J. Walsh and asked Walsh for his support of Leavitt's forthcoming bill in the Senate. The Senator, who personally opposed leasing of public lands for grazing, eventually agreed to support the proposal.[30] Hall then secured the cooperation of state officials in leasing state lands.[31] More important, he presented the idea of the reserve to Montana livestock interests and received the backing of both the Montana Stockgrowers' Association and the Montana Woolgrowers' Association.[32]

Congressman Leavitt also occupied himself with the grazing district proposal. First he prepared himself for debate in Washington on the proposed reserve by asking Forest Supervisor Simpson to make a sample range survey of the country between Mizpah and Pumpkin creeks. Simpson agreed and in December 1926 provided Leavitt with a report contending that unrestricted grazing had reduced the area's forage capacity by more than a half but that "intelligent control, management and improvements" could increase the carrying capacity in six years from 2,300 head of cattle to 4,000.[33]

On receipt of the Forest Service study, the Montana congressman busied himself with the legislation upon which the future of the

proposed reserve depended. Leavitt's bill was simple. It authorized the lease of public lands in eight townships for ten years to an association of local stockmen under rules and regulations to be prescribed by the Department of the Interior.[34] Leavitt justified his placing supervision of the reserve with Interior, and not the Department of Agriculture as Hall and the ranchers wanted, on the fact that the Department of the Interior administered the public domain. He may also have feared that placing control with the Department of Agriculture might endanger Congressional acceptance of his measure, given the ongoing controversy surrounding Forest Service grazing fees. The Montana politician, however, did provide for the Secretary of the Interior to cooperate with other federal departments and agencies to insure the success of the trial leasing effort.[35]

Response to Leavitt's bill was positive. Evan Hall greeted the legislation with delight and called it a "dandy." The agricultural supervisor felt the simplicity of the legislation would ease its passage through Congress, while its flexibility would permit the Departments of Interior and Agriculture to cooperate better.[36] The Northern Pacific suggested changes to the bill but offered no objection to it as written.[37] Most important, Secretary of the Interior Hubert Work, who had long advocated leasing of the public lands for grazing purposes, reacted favorably to the bill and, although the Department preferred a general grazing measure, Work assured Leavitt of his support.[38]

Leavitt introduced the Mizpah-Pumpkin Creek Grazing District measure in the House of Representatives when Congress convened in

December 1926. In committee, the bill received some opposition from those who supported a general leasing law and individuals who favored giving title to the remaining public lands to the states. Leavitt, however, overcame the arguments of opponents and got the committee in late January 1927 to favorably report the measure to the floor.[39]

On the house floor, Leavitt's strategy called for having the bill brought up on the Consent Calendar, a time when noncontroversial measures of a special nature were enacted upon. One advantage of the Consent Calendar, and what must have appealed to Leavitt, was that few congressmen attend, reducing the likelihood of opposition.[40] Surprisingly, Congressman Fiorello LaGuardia opposed the bill when it came up for consideration. Perhaps fearing "pork barrel" legislation, the New York politician advocated enactment of a general public lands grazing lease bill rather than one that benefited a single locality. LaGuardia, however, was convinced to drop his opposition, and on the bill's second consideration it passed without objection.[41]

In the Senate, the Mizpah-Pumpkin Creek Grazing District bill went before the Committee on Public Lands and Surveys. Committee chairman, Montana Senator Thomas J. Walsh, assured Congressman Leavitt and other interested parties that he would do whatever possible to ensure enactment of the measure. The committee on Public Lands and Surveys agreed to report the bill, but unaccountably Walsh suddenly refused to permit its submittal to the floor.[42]

Senator Walsh had received petitions from nearly three dozen individuals in southeastern Montana protesting the proposed reserve. These people declared the measure "dangerous and discriminatory to the

small stockmen and especially the farmer and rancher in ... that it deprives them of what little open range is left for the grazing of their own stock" and claimed that sentiment in the area opposed the Leavitt bill.[43] The Montana senator felt he could not allow the legislation to go to the floor without providing a hearing for the petitioners. Walsh reconsidered introducing the measure to the floor after receiving a telegram from Nic Monte, claiming that the protestants had no direct interest in the area, but it was the end of the session and a filibuster made consideration of the bill impossible. The senator, however, promised to hold a public hearing on the matter sometime in the coming summer or fall.[44]

Senator Walsh's action dismayed Evan Hall and the supporters of the Mizpah-Pumpkin Creek Grazing District measure. Control of the public lands within the reserve was essential to its success. There still remained, however, a glimmer of hope. Walsh's hearing promised the group an opportunity to convince the senator to back their proposal.[45]

Senator Walsh set his hearing for September 13 at the Miles City Elks Club. Before a large crowd, the senator opened the meeting by declaring that he had an open mind on the grazing district proposal and that he had called the hearing because the plan represented a "radical" departure from present federal policy. The hearing would afford him the opportunity to better inform himself on the matter. Walsh then called upon the spokesman for the reserve's supporters, Nic Monte, to set the group's proposal before the gathering.[46]

Monte outlined the problems that he and other ranchers who operated between Pumpkin and Mizpah creeks faced and set forth the proposal that Hall had initiated.[47] Walsh then turned the floor over to opponents of the reserve. Ed Whitbeck, a man who had originally supported the plan, told the senator that the proposal threatened the development of the area. He and other ranchers would be forced to pay a fee to use range that was now free. The expense would deprive himself and other stockmen of the use of these lands.[48]

After some more discussion, Walsh closed the hearing. Walsh had shown little reaction to the arguments and made no statement as to his position at the conclusion of the meeting. But William Tonn, a supporter of the grazing proposal, felt that Walsh left favorably disposed toward the plan.[49]

A month after Senator Walsh's meeting, Congressman Scott Leavitt held a similar hearing. He too intended to listen to both sides of the controversy, but wanted to also dispel misconceptions about the Mizpah-Pumpkin Creek Grazing District proposal. Leavitt explained that the bill had been introduced in the "spirit of helpfulness," with improvement of the range as the measure's guiding purpose. Discussion then focused on the leasing of lands, member grazing fees and planned improvements. The arguments of the proponents proved convincing, for opposition to the grazing reserve relaxed.[50] Matters looked good for the reintroduction of the Mizpah-Pumpkin Creek Grazing District measure in the upcoming session of Congress.

Leavitt introduced H.R. 445 to the first session of the 70th Congress on December 5, 1927. In the House Committee on Public Lands

the measure, which read like its predecessor, experienced some opposition, but Leavitt secured approval for presentation to the floor.[51] Again the Montana congressman chose to put the bill on the Consent Calendar.

On the floor, Congressman LaGuardia, still advocating a general grazing measure, wondered if piecemeal legislation, such as H.R. 445, enacted one state at a time, would help resolve the public land grazing problem. Thomas Blanton of Texas voiced objection to the measure's withdrawing more than 27,000 acres from homesteading. Leavitt, explaining the situation of resident ranchers between Pumpkin and Mizpah creeks, stated that the public lands within the proposed grazing district were not suited to agricultural settlement, and argued the merits of the bill. Utah's Don Colton came to Montana's defense by declaring that success of this experiment would provide advocates of a general grazing law a useful example of what leasing would accomplish. To Colton, the idea was "a step in the right direction." LaGuardia then dropped his opposition "in the hope that the people of New York City [might] get nice, juicy steaks at a price they can afford." Blanton could not be persuaded; he wanted the remaining public lands for veterans and forced the bill to be passed over.[52] On second consideration, however, the measure passed without debate.[53]

When the legislation went to the Senate, Walsh informed Congressman Leavitt that while he could not "subscribe to the principle of the bill," he would secure the measure's passage because the area's ranchers supported the proposal.[54] He placed the bill on the March 2 Consent Calendar, but the measure was passed over. Three weeks later,

the measure came up on the next Consent Calendar and passed without discussion.[55] Soon after, on March 29, 1928, President Calvin Coolidge signed the Mizpah-Pumpkin Creek Grazing District into law.[56]

Evan Hall and other supporters of the Mizpah-Pumpkin Creek Grazing District greeted passage of Leavitt's legislation with enthusiasm. By concerted effort and astute political maneuvering, the principal obstacle to the reserve proposal, the interspersed public lands, had been overcome. Now the task of organizing the grazing district and getting it into operation could begin.

ENDNOTES

[1]Evan Hall to Alva Simpson, July 6, 1934, Evan Hall Manuscript Collection, Montana Historical Society, Helena, Montana (hereafter Hall Collection, MHS, Helena); and Evan Hall Diaries, May 10, 1926, Evan Hall Papers, State Historical Society of North Dakota, Bismarck, North Dakota (hereafter Hall Papers, SHSND, Bismarck).

[2]Evan Hall, "The County Agent Takes to the Rails," Adams County Record, June 28, 1967, p. 6 in Scrapbook, Hall Papers, SHSND, Bismarck; and August Derleth, The Milwaukee Road: Its First Hundred Years (New York: Creative Age Press, 1948), pp. 213-216.

[3]Biographical Sheet, Hall Papers, SHSND, Bismarck; and "Led Montana Grazing Work ... Hall's Retirement Brings Railway Staff Changes," Great Falls Tribune, May 22, 1952, p. 4.

[4]Interview with Earl "Sandy" Sandvig, former assistant forester, Custer National Forest, Portland, Oregon, November 10, 1981; James E. Poole, "Montana Stockraising on a New Sound Basis: Cattle and Sheep Production No Longer a Gamble in the Northwest," The Breeder's Gazette 91 (April 28, 1927): 435; and "Hall Joins The Milwaukee," The Dakota Farmer, May 1, 1926, and Queen City Mail, April 14, 1926, in Scrapbook, Hall Papers, SHSND, Bismarck.

[5]Evan Hall to Dan Casement, May 18, 1926, Hall Collection, MHS, Helena.

[6]Mary W. M. Hargreaves, Dry Farming in the Northern Great Plains, 1900-1925, (Cambridge: Harvard University Press, 1957), pp. 473-484; John T. Schlebecker, Cattle Raising on the Plains, 1900-1961 (Lincoln: University of Nebraska Press, 1963), pp. 72-103; and Paul W. Gates, "Homesteading on the High Plains," in Agriculture in the Great Plains, 1876-1936, (Washington, D.C.: The Agricultural History Society, 1977), pp. 125-131.

[7]Evan Hall Diaries, May and June 1926, and Evan Hall, "Monthly Report, May 1926, Evan W. Hall, Miles City, Agricultural Supervisor, C. M. & St. P. Ry.," Hall Papers, SHSND, Bismarck; and Evan Hall to Alva Simpson, June 25, 1934, Hall Collection, MHS, Helena.

[8]Evan Hall Diaries, June 1926, Hall Papers, SHSND; and Evan Hall to Alva Simpson, June 25, 1934, and Evan Hall to Alva Simpson, July 6, 1934, Hall Collection, MHS, Helena.

[9]Miles City Corral of Range Riders and the Range Riders of Custer County, Fanning the Embers (Billings, Montana: Gazette Printing and Lithography, 1971), p. 297.

[10]Exhibit 1 in William S. Wade, Chief of Field Division, Helena, Montana, to Secretary of the Interior, May 7, 1928, General Land Office, 1910 Miscellaneous Letters Received Files, File 1303771, Part I, Record Group 49, Records of the Bureau of Land Management, National Archives, Washington, D.C.

[11]John F. Finerty, Warpath and Bivouac: The Big Horn and Yellowstone Expedition, ed. Milo Milton Quaife (Lincoln: University of Nebraska Press, 1966), p. 228.

[12]Frank S. Parker and David A. Andrews, The Mizpah Coal Field, Custer County, Montana, U.S. Geological Survey Bulletin No. 906-C (1939), pp. 88-93.

[13]Memorandum for Congressman Scott Leavitt from Forest Supervisor, Alva Simpson, December 6, 1926, Forest Service, Division of Range Management, G-Cooperation, Department of the Interior, Mizpah-Pumpkin Creek File, Record Group 95, Records of the Forest Service, National Archives, Washington, D.C. (hereafter Forest Service, Range Management, G-Cooperation, Interior, Mizpah-Pumpkin Creek, RG 95, NA, Washington).

[14]The area proposed as the Mizpah-Pumpkin Creek Grazing District comprised 108,804 acres. The Northern Pacific Railway Company owned 44,357 acres or 40.8% of the land. Private lands amounted to 30,513 acres. Of these lands, 8,081 acres were held by resident stockmen wanting to participate in the grazing reserve. Approximately 90% of the remaining private land was held by absentee owners. State school lands comprised 6,400 acres and 27,534 acres (25.3%) were public domain, as shown in U.S. Congress, House, Committee on Public Lands, Agreement Between Montana and Private Owners of Lands for Grazing, Etc., 69th Cong., 2d sess., 1927, H. Rpt. 1807. Phillip O. Foss, in his Politics and Grass: The Administration of Grazing on the Public Domain (Seattle: University of Washington Press, 1960), p. 49, contends that at the time plans for the creation of the Mizpah-Pumpkin Creek Grazing District began, some of the lands had been taken by the county for taxes, but no lands within the reserve were taken for taxes until 1928, as shown in Custer County, Montana, Land Ownership and Tax Assessment Tract Books, Custer County Courthouse, Miles City, Montana.

[15]Evan Hall, "Monthly Report, July 1926," Hall Papers, SHSND, Bismarck; and Evan Hall to Curtis Mosher, July 27, 1926, Hall Collection, MHS, Helena.

[16]Evan Hall to Alva Simpson, July 6, 1934, Hall Collection, MHS, Helena.

[17]Evan Hall to Alva Simpson, June 25, 1934, and Evan Hall to Alva Simpson, July 6, 1934, Ibid.; and Evan Hall Diaries, June 16, 1926, Hall Papers, SHSND, Bismarck.

[18]John Wesley Powell, Report on the Lands of the Arid Region of the United States with a More Detailed Account of the Lands of Utah, Second Edition (Washington, D.C.: U.S. Government Printing Office, 1879), p. 24; and Frederick V. Coville, "A Report on Systems of Leasing Large Areas of Grazing Land, Together with an Outline of a Proposed System for the Regulation of Grazing on the Public Lands of the United States," in Report of the Public Lands Commission, U.S. Public Lands Commission (Washington, D.C.: U.S. Government Printing Office, 1905), p. 59.

[19]Bob Lee and Dick Williams, Last Grass Frontier: The South Dakota Stock Grower Heritage (Sturgis, South Dakota: Black Hills Publishers Inc., 1946), pp. 242, 247; and Charles A. Myers, "Co-operative Range Ownership," The Producer 2 (February 1921): 5-7.

[20]Evan Hall to Alva Simpson, June 25, 1934, and Evan Hall to Alva Simpson, July 6, 1934, Hall Collection, MHS, Helena; and Evan Hall Diaries, June 16, 1926, Hall Papers, SHSND, Bismarck.

[21]Evan Hall Diaries, July 21, 1926, and Evan Hall, "Monthly Report, July 1926," Hall Papers, SHSND, Bismarck; and "Report of the Stockmen's Meeting at Beebe, July 21, 1926," Hall Collection, MHS, Helena.

[22]Ibid.

[23]Evan Hall to Congressman Scott Leavitt, August 14, 1926, Hall Collection, MHS, Helena; J. M. Hughes, Northern Pacific Land Commissioner, to Charles Donnelly, President, Northern Pacific Railway Company, November 22, 1928, Northern Pacific Railway Company, President's File 526 G21, Northern Pacific Railroad Company Collection, Minnesota Historical Society, St. Paul, Minnesota (hereafter Northern Pacific President's File 526 G21, Northern Pacific Collection, MHS, St. Paul); and Congressman Scott Leavitt to Secretary of the Interior, December 31, 1926, Department of the Interior, Central Classified Files 1907-1936, Correspondence, General Land Office, File 2-147, Grazing on the Public Lands, General, Part IV, Record Group 48, Records of the Office of the Secretary of the Interior, National Archives, Washington, D.C.

[24]Evan Hall to Alva Simpson, June 25, 1934, Hall Collection, MHS, Helena.

[25]Alva Simpson to Dan B. Noble, n.d. (ca. June-July 1934), Evan Hall to Congressman Scott Leavitt, September 29, 1926, Hall Collection, MHS, Helena; and Alva Simpson, Memorandum, September 3, 1926, Forest Service, Custer National Forest, G-Cooperation, Mizpah-Pumpkin Creek

Grazing Association File, Record Group 95, Records of the Forest Service, National Archives Seattle Branch, Seattle, Washington (hereafter Forest Service, Custer Forest, G-Cooperation, Mizpah-Pumpkin Creek Association, RG 95, NA, Seattle).

[26]It is unfortunate that Congressman Leavitt's personal papers were destroyed in a fire; they undoubtedly would have proved enlightening. Interview with Roswell Leavitt, son of Scott Leavitt, Missoula, Montana, December 10, 1981.

[27]Evan Hall to Congressman Scott Leavitt, August 14, 1926, and Evan Hall to Alva Simpson, July 6, 1934, Hall Collection, MHS, Helena; Evan Hall Diaries, August 5, 1926, Hall Papers, SHSND, Bismarck; and U.S. Congress, Biographical Directory of the American Congress, 1772-1961 (Washington, D.C.: U.S. Government Printing Office, 1961), pp. 1203-1204.

[28]Evan Hall to Congressman Scott Leavitt, August 14, 1926, Alva Simpson to Dan Noble, n.d. (ca. June-July 1934), and Evan Hall to Alva Simpson, July 6, 1934, Hall Collection, MHS, Helena; Evan Hall, "Monthly Report, August 1926," Hall Papers, SHSND, Bismarck; and Miles City Weekly Star, September 14, 1926, p. 7.

[29]Evan Hall to Scott Leavitt, September 29, 1926, Hall Collection, MHS, Helena; and Evan Hall Diaries, September 25, 1926, and Evan Hall, "Monthly Report September 1926," Hall Papers, SHSND, Bismarck.

[30]Evan Hall Diaries, October 18, 1926, Hall Papers, SHSND, Bismarck; J. Leonard Bates, "T. J. Walsh: His Genius for Controversy," Montana: The Magazine of Western History 29 (Autumn 1969): 13; and Congressman Scott Leavitt to Evan Hall, February 14, 1927, Hall Collection, MHS, Helena.

[31]Evan Hall to Congressman Scott Leavitt, November 18, 1926, Evan Hall to H. C. Baering (sic), Montana Land Department, February 12, 1927, Ibid.; H. C. Biering, Montana Land Department, to Evan Hall, February 14, 1927, Hall Collection, MHS, Helena; and Evan Hall, "Monthly Report, February 1927," Hall Papers, SHSND, Bismarck.

[32]Evan Hall spoke before the Montana Woolgrowers' Association at their annual meeting in November 1926. The association did not formally adopt a resolution of support but did give their endorsement of the proposal to Senator Thomas J. Walsh when Leavitt's first bill reached the Senate in February 1927. The Montana Stockgrowers' Association did the same. Hall did not have the opportunity to discuss the reserve with membership of the association before introduction of Congressman Leavitt's first bill but did meet with and receive the support of its officers. See Evan Hall to Congressman Scott Leavitt, January 5, 1927, Hall Collection, MHS; "Difference Between Homesteading and Home Building," Butte Miner, January 20, 1927, p. 12; The Montana Farmer, February 1, 1927, p. 33; Evan Hall Diaries, February 23, 1927,

and Evan Hall, "Monthly Report, February 1927," Hall papers, SHSND, Bismarck; Senator Thomas J. Walsh to E. A. Phillips, Secretary, Montana Stockgrowers' Association, February 26, 1927, Senator Thomas J. Walsh to Montana Stockgrowers' Association, February 29, 1927, and Senator Thomas J. Walsh to Montana Woolgrowers' Association, February 17, 1927, Legislation Files, Mizpah-Pumpkin Creek Grazing District, Thomas J. Walsh Papers, Manuscripts Division, Library of Congress, Washington, D.C. (hereafter Walsh Papers, Legislation Files, Mizpah-Pumpkin Creek Grazing District, Library of Congress, Washington).

[33]Alva Simpson, Memorandum, September 3, 1926, Forest Service, Custer Forest, G-Cooperation, Mizpah-Pumpkin Creek Association, RG 95, NA, Seattle; and Alva Simpson, Memorandum for Congressman Leavitt, December 6, 1926, Forest Service, Range Management, G-Cooperation, Interior, Mizpah-Pumpkin Creek, RG 95, NA, Washington.

[34]See the text of H.R. 15603 in U.S. Department of the Interior, Central Classified Files 1907-1936, Legislation, General Land Office, 2-147, Grazing on Public Lands, 69th Congress, H.R. 15603, Record Group 48, Records of the Office of the Secretary of the Interior, National Archives, Washington, D.C. (hereafter Interior, CCF 1907-1936, Legislation, GLO, 2-147, Grazing on Public Lands, RG 48, NA, Washington).

[35]This was the reasoning that Congressman Scott Leavitt gave Evan Hall for his decision of placing administrative authority with the Department of the Interior as shown in Congressman Scott Leavitt to Evan Hall, December 24, 1926, Hall Collection, MHS, Helena. Congressman Leavitt, however, undoubtedly also knew sentiment among congressional supporters for leasing the public domain to stockmen had shifted from giving administrative authority to the Department of Agriculture to Interior, in hope of obtaining easy passage of the Mizpah-Pumpkin Creek Grazing District measure.

[36]Evan Hall to Congressman Scott Leavitt, January 5, 1927, Hall Collection, MHS, Helena.

[37]Congressman Scott Leavitt to Secretary of the Interior, December 31, 1927, Interior, CCF 1907-1936, Legislation, GLO, 22-147, Grazing on Public Lands, 69th Congress, H.R. 15603, RG 48, NA, Washington.

[38]Congressman Scott Leavitt to Evan Hall, December 24, 1926, and Congressman Scott Leavitt to Evan Hall, December 31, 1924, Hall Collection, MHS, Helena; Eugene Trani, "Hubert Work and the Department of the Interior, 1923-1928," Pacific Northwest Quarterly 61 (January 1970): 38; and E. C. Finney, Acting Secretary of the Interior, to N. J. Sinnott, Chairman, House Committee on Public Lands, January 18, 1927, in U.S. congress, Agreement Between Montana and Private Owners, H. Rpt. 1807.

[39]Congressman Scott Leavitt to Evan Hall, Telegram, January 20, 1927, Hall Collection, MHS, Helena.

[40]Lewis A. Froman, Jr., The Congressional Process: Strategies, Rules, and Procedures (Boston: Little, Brown and Co., 1967), p. 47.

[41]U.S. Congress, House, H.R. 15603, Congressional Record 68: 3182, 3183.

[42]See letters in Walsh Papers, Legislation Files, Mizpah-Pumpkin Creek Grazing District, Library of Congress, Washington and Congressman Scott Leavitt to Evan Hall, February 14, 1927, and Congressman Scott Leavitt to Evan Hall, Telegram, March 2, 1927, Hall Collection, MHS, Helena.

[43]Daniel O'Hern to Senator Thomas J. Walsh, February 23, 1927, Senator Thomas J. Walsh to Calvin Todd, March 3, 1927, and Daniel O'Hern to Senator Thomas J. Walsh, March 4, 1927, Walsh Papers, Legislation Files, Mizpah-Pumpkin Creek Grazing District, Library of Congress, Washington.

[44]Senator Thomas J. Walsh to Calvin Todd, March 3, 1927, Ibid.

[45]Interview with Earl "Sandy" Sandvig; and Interview with Armand and Helder Tonn, sons of organizer William Tonn, SY Ranch south of Miles City, Montana, August 20, 1981.

[46]"Walsh Opens Hearings on Grazing District Control Plan Here," Miles City Weekly Star, September 20, 1927, p. 6.

[47]Supporters of the grazing reserve had prepared themselves for Senator Walsh's hearing. At the meeting, the group gave the Senator information regarding the proposed project, complete with photographs and a map. A few days prior to the hearing, Evan Hall, who could not attend because of another commitment, spent more than three hours with Nic Monte discussing what Monte should say. Hall also placed his advice in a letter. The Milwaukee agricultural agent wanted the rancher to stress, among other matters, that the intent of the stockmen along Pumpkin and Mizpah creeks was to build permanent homes and profitable ranches. To do this, they needed the rough grazing lands between the two streams; without secure tenure, use of that range would continue to be a free-for-all. How Monte presented this is not known, for no formal record of the hearing exists. See Custer County Extension Agent Paul Lewis to Senator Thomas J. Walsh, September 14, 1927, Legislation Files, Mizpah-Pumpkin Creek Grazing District, Library of Congress, Washington; Evan Hall Diaries, September 10, 1927, Hall Papers, SHSND, Bismarck; and Evan Hall to Nic Monte, September 12, 1927, Hall Collection, MHS.

[48]"Walsh Open Hearing," Miles City Weekly Star, September 20, 1927, p. 6.

[49]Interview with Armand and Helder Tonn.

[50]"Leavitt Finds Foes of Pumpkin Creek Plan on Grazing Reversing," Miles City Weekly Star, November 1, 1927, p. 6.

[51]Minutes of the House Committee on Public Lands have not survived. A part of the opposition in committee apparently came from Wyoming Congressman Charles Winter, for in the floor debate on the Mizpah-Pumpkin Creek Grazing District measure he said he had expressed opposition to the bill in committee. Being an outspoken advocate of turning the public lands over to the states, Winter undoubtedly objected to any extension of federal control over the public domain. See U.S. Congress, House, Congressional Record 69: 2089; and Charles E. Winter, Four Hundred Million Acres: The Public Lands and Resources; History, Acquisition, Disposition, Proposals, Memorials, Briefs, Status (Casper, Wyoming: Overland Publishing Co., 1932).

[52]U.S. Congress, House, Congressional Record 69: 2088-2090.

[53]Ibid., 2586.

[54]Senator Thomas J. Walsh to Congressman Scott Leavitt, February 10, 1928, Walsh Papers, Legislation Files, Mizpah-Pumpkin Creek Grazing District, Library of Congress, Washington.

[55]U.S. Congress, House, Congressional Record 69: 3939, 5031.

[56]The Act of March 29, 1928, U.S. Congress, Statutes at Large 45, p. 380.

CHAPTER III

THE MIZPAH-PUMPKIN CREEK GRAZING DISTRICT: ORGANIZATION AND SUCCESS

With a hard-fought congressional victory in hand, supporters of the Mizpah-Pumpkin Creek Grazing District turned their attention and energy toward setting up the reserve. The law had only enabled local stockraisers to establish a grazing reserve; the grazing district had to now be made a working proposition. To accomplish this, much had to be done: resident stockmen needed to set up a formal association; the lease of Northern Pacific, private, and state lands negotiated; regulations by Department of the Interior officials promulgated; and range improvements planned and constructed. It took considerable persistence and patience to complete this work, for politics and other problems hampered, even threatened, the reserve's formation and operation. All these difficulties were eventually overcome and, within a few years of its establishment, the Mizpah-Pumpkin Creek Grazing District demonstrated the advantages that leasing of the public domain offered western stockraisers.

The effort to make the Mizpah-Pumpkin Creek Grazing District a vital proposition began soon after congressional approval. In April 1928, some fifty interested ranchers gathered at Beebe, Montana, where Evan Hall had first presented the grazing reserve idea to local

ranchers nearly two years earlier, to organize a ranchers' association and discuss the reserve's administration. Also in attendance were county agent Paul Lewis, Forest Supervisor Alva Simpson, three Northern Pacific Railway Company officials, and William S. Wade, chief of the General Land Office's investigative office in Helena, Montana, who represented the interests of the Department of the Interior.[1]

Use of the grazing reserve was restricted to stockmen who had lands within or adjacent to the district. Twenty-one of the ranchers in attendance met this qualification, and only three of them chose not to participate. Of those who joined, most were small livestock operators with 100 to 500 head of cattle. A few had less than 50 head livestock. Two of the applicants, Siedentapf and Company and Sol Heren, raised sheep. From this group, the membership elected a temporary organization consisting of Calvin Todd as president, Nic Monte as secretary-treasurer, and a seven member executive committee responsible for negotiating lease agreements.[2]

The leasing of lands within the grazing district dominated the remainder of the day's meeting. Most of the association members wanted the rent to be assessed on a per-head basis--the practice within national forests. Representatives of the Northern Pacific Railroad Company and the Department of the Interior, however, were not favorably disposed toward the idea. The Northern Pacific wanted to lease its land for the cost of taxes it paid for each section it owned. The company felt this was a fair rent and expressed concern that ranchers would graze more cattle than paid for if the lease was on a per-head basis. General Land Office Inspector William S. Wade, who spoke for

the Interior Department, agreed. He felt that assessing rent on a per-head basis would require full-time supervision; the Interior Department did not favor such a proposition. The Department, Wade stressed, was not interested in running their business. The stockmen would have to be primarily responsible for controlling grazing within the district. Interior would ensure that the area was being properly handled and not overgrazed by making periodic inspections. The ranchers, however, continued to argue for a per-head lease with the railroad and federal government. Unable to reach a consensus, the parties involved deferred making a decision.[3]

The following day, the Mizpah-Pumpkin Creek Grazing Association's newly appointed executive committee met in Miles City to draft a constitution and bylaws. In drawing up these documents, the group received considerable assistance from Forest Supervisor Alva Simpson. Simpson patterned the association's charter after the grazing advisory boards that operated within national forests.[4] In the constitution and bylaws, the stockmen's organization was formally named the Mizpah-Pumpkin Creek Grazing Association. The group's purpose was to be the promotion and protection of the livestock industry within and adjacent to the reserve. The stockmen also agreed to abide by the rules and regulations promulgated by the Secretary of the Interior.[5]

As an addendum to the constitution and bylaws, the executive committee presented recommendations to the Secretary of the Interior as to the administration of the grazing district. They repeated the association's desire to lease lands within the reserve according to the number of livestock grazed. The executive committee also asked that

operation of the grazing district not commence until the beginning of 1929, so the many details regarding matters related to the reserve's carrying-capacity, range improvements, the transferability of leases, and the arbitration of range controversies might be addressed.[6]

The association plainly wanted the grazing reserve administered in a manner similar to the national forests. When General Land Office Inspector William Wade reviewed the recommendations, he had the association redraft its recommendations.[7] Members of the Mizpah-Pumpkin Creek Grazing Association saw the action as further evidence of the General Land Office official's antagonism toward the grazing district. They felt Wade did not understand the spirit behind the reserve and that he was doing what he could to frustrate their efforts.[8]

Inspector Wade was not attempting to thwart the plans of the Mizpah-Pumpkin Creek Grazing Association by having the ranchers redraft their recommendations to the Secretary of the Interior. He knew that Interior Department officials were not interested in providing too much supervision. Western stockraisers generally opposed the idea of close government supervision and the Secretary of the Interior felt it best to have the local ranchers manage the grazing district as much as possible.[9]

The General Land Office representative did, however, regard the grazing association's stockmen and their reserve with some suspicion. Wade perceived the association as not wanting to cooperate with the Interior Department. Nic Monte, he noted, had commented that if the ranchers did not like the regulations the Secretary of the Interior

promulgated for the reserve, they could petition to have administration of the grazing district transferred to the Department of Agriculture. Moreover, Wade questioned the motives of the association's members: many of the men had herds that, in his mind, were too small to have them considered stockraisers, and each rancher seemed to be out for himself and wanting something for nothing.[10]

Wade also had problems with the grazing reserve itself. As a strong advocate of regulated grazing on the public domain, he questioned whether the Mizpah-Pumpkin Creek Grazing District offered a good opportunity for the Department of the Interior to demonstrate the benefits of controlled grazing. The country between Mizpah and Pumpkin creeks was some of the poorest he had seen in Montana, and the land pattern would make consolidating the area difficult. Moreover, the reserve only benefited a small group of ranchers. The General Land Office official felt the grazing reserve to be a "peanut proposition," and wondered if the Forest Service had conceived the idea of the reserve to discredit Interior's ability to administer grazing on the public lands.[11]

In his report to Secretary of the Interior Hubert Work, Inspector Wade chose not to state all his reservations about the new grazing reserve and its stockmen's association. He did speak of the apparent reluctance of the ranchers to accept Interior Department supervision, but mostly he addressed the difficulties in consolidating the lands within the reserve. In administering the reserve, Wade expressed the opinion that Interior's main purpose should be to ensure against overgrazing; nature would then rehabilitate the land and restore the

range. To accomplish this, supervision of the grazing district had to rest solely with the Interior Department, with responsibility for day-to-day management of the range placed in the hands of the grazing association's executive committee.[12]

The Interior Department was not interested just in the observations and recommendations of its General Land Office representative; they also wanted the opinions of the local county extension agent, Paul Lewis, and the Custer National Forest Supervisor, Alva Simpson.[13] County Agent Lewis echoed the grazing association's earlier suggestions to the Secretary of the Interior: leasing of the reserve on a per-head basis, refund of the first year's rental of public lands to pay for construction of range improvements, and administration of the district in a manner similar to lands within national forests.[14] Forest Supervisor Alva Simpson recommended much the same, although he chose to tactfully avoid the question of Forest Service administration. Simpson also noted that he did not feel management of the reserve posed "any particular problems." He felt that the grazing association earnestly wanted to make the district a success, and that what was most needed was someone who could put together an administrative plan for the reserve.[15]

With these recommendations in hand, and after conferring with Department's legal counsel, First Assistant Secretary of the Interior Edward C. Finney directed the General Land Office in August 1928 to negotiate leases with the other landowners within the reserve before the promulgation of regulations for administration of the grazing district.[16] Responsibility for securing the necessary agreements went

to William Wade, the General Land Office inspector who had attended the Mizpah-Pumpkin Creek Grazing Association's organizational meeting the previous April. Wade was given considerable discretion in how he could handle matters and the terms he could negotiate. If necessary, Wade could ask the grazing association to cooperate in his effort to reach agreement with the other landowners.[17] Wade immediately began negotiating leases from the reserve's other landowners, starting with the Northern Pacific Railway Company.

The Northern Pacific was the most important of the landowners within the Mizpah-Pumpkin Creek Grazing District. Of the reserve's nearly 109,000 acres, the railroad held title to more than 44,000 acres.[18] Success of the grazing association's effort depended upon the lease of these lands. Northern Pacific lands were checkerboarded throughout the grazing reserve; without assurance of their use, the district could not be effectively utilized.

Inspector Wade understood the importance of the Northern Pacific's lands to the success of the grazing district. The day he received his instructions from the General Land Office, he wrote to the railroad company's land commissioner, J. M. Hughes, whom he had met at the Mizpah-Pumpkin Creek Grazing Association's organizational meeting the previous April, and asked if they could meet to discuss what arrangements could be made for the lease of the Northern Pacific's lands. Hughes was interested.[19] The opportunity offered by the Mizpah-Pumpkin Creek Grazing District fit well into the railroad's current efforts to dispose of its grazing lands in Montana, and the Northern Pacific land commissioner undoubtedly did not want to lose a chance to lease company

lands that were impossible to sell or lease because of their poor and rugged character and a weak economy that had depressed land market conditions.[20]

In November, the General Land Office inspector and Northern Pacific Land Commissioner Hughes, along with the railroad's eastern land agent and general counsel, met at the Northern Pacific's corporate offices in St. Paul, Minnesota, to work out the details of the company's lease. The Northern Pacific was not willing to accept the Interior Department's proposition that all the private landowners within the grazing reserve authorize the Secretary of the Interior to enter into an agreement with the ranchers' association to administer, collect and distribute rents.[21] The railroad did agree, however, to directly lease its lands to the grazing association, with Department of the Interior approval, for a ten-year period. All unleased lands within the reserve were included in the agreement; those tracts then under lease to other parties were to be included as their contracts expired. The Northern Pacific also consented to having these lands administered according to the rules and regulations the Department of the Interior promulgated for the grazing district. For use of the lands within the reserve, the railroad asked for no rent but required the grazing association to pay the taxes on the lands and to ship all livestock grazed within the district over their line.[22]

The last provision of the agreement hammered out by Wade with the Northern Pacific, the shipment of all livestock produced from the reserve over the Northern Pacific's line, became a stumbling block in the government's efforts to reach an agreement with that railroad.

Evan Hall, the Milwaukee Road agricultural supervisor, felt the stipulation harmed the interests of his company by preventing the grazing reserve's ranchers from shipping livestock on the Milwaukee, and he wrote a letter of protest against the Northern Pacific provision to First Assistant Secretary of the Department of the Interior Edward C. Finney. Hall told the First Assistant Secretary that the Northern Pacific, as a matter of practice, inserted the provision in all its leases, but he could not see how the Northern Pacific could impose such a condition when there were lands within the Mizpah-Pumpkin Creek Grazing District that belonged to the federal government and others. The Milwaukee agricultural agent said that he hoped his objection would not prevent the lease of Northern Pacific lands, for he simply wanted to protect the interests of his company against what he considered to be the unfair demands of the Northern Pacific.[23]

First Assistant Secretary Finney acceded to Evan Hall's arguments. The Interior official had the General Land Office inform Inspector Wade that the lease negotiated with the Northern Pacific met with the Department's approval except for the shipping clause. That condition, it was ordered, had to be struck. The Interior Department could not favor one railroad over another. To do so would be contrary to the best interests of public policy. Wade, therefore, had to see if some other arrangement for leasing the railroad lands could be reached.[24] Finney realized that this rejection of the Northern Pacific's livestock shipping clause might jeopardize the blocking of lands within the Mizpah-Pumpkin Creek Grazing District, but he felt that an agreement that would be satisfactory to all parties could be found.[25]

Northern Pacific Land Commissioner Hughes did offer a compromise on the shipping clause issue. Rather than require all livestock grazed within the reserve to be shipped over the company's line, the Northern Pacific would ask only that a percentage of the livestock equal to the proportion of his railroad's land holdings within the reserve (i.e., 40 percent) be shipped by the Northern Pacific, with shipping rates equal to those offered by its competitors. Furthermore, the railroad would not expect the Secretary of the Interior to enforce the lease's shipping clause.[26] Even after this offer, the Department of the Interior continued to object to the inclusion of a shipping provision, pointing out that if the company guaranteed shipping rates equal to its competitors, the Northern Pacific would receive a fair share of the grazing association's business without the clause.[27] The Northern Pacific, however, was not willing to enter into a leasing agreement without a shipping clause.[28]

Matters seemed to be at an impasse until Land Commissioner Hughes proposed that the Northern Pacific negotiate directly with the Mizpah-Pumpkin Creek Grazing Association a lease that did not require the approval of the Department of the Interior. He felt that his company and the ranchers, who were not opposed to the modified shipping clause, could reach an agreement that was satisfactory between themselves. This would overcome the problem caused by the Department of the Interior's objection to shipping, which the railroad refused to eliminate. The railroad further agreed, even though its lease would not be with the government, to allow its lands to be administered under the grazing rules and regulations the Department of the Interior set

forth for the grazing reserve.[29] Interior offered no objection to this proposal, so in June 1929 the railroad and the Mizpah-Pumpkin Creek Grazing Association signed an agreement for the lease of the company's lands.[30] The first obstacle to putting the Mizpah-Pumpkin Creek Grazing District into operation had been surmounted.

The lease of other private lands also posed difficulties and General Land Office Inspector Wade knew that small land holdings might also throw up roadblocks. There were more than 50 small landowners within the reserve. Most had long abandoned their homesteads, and it was questionable whether many of the owners could be located. Wade felt a large number of these holdings would eventually be taken for taxes by the county.[31]

The absentee landowners were scattered from New York to California. Negotiations with these individuals had to be conducted by mail, and initial discussions were not optimistic. Wade reported in December 1928 that of the landowners he had spoken to, none were willing to lease their lands for the terms the grazing association wanted.[32]

Gradually, however, leases from these other landowners were secured. The largest of these land holders, George P. Hogg of Pittsburgh, Pennsylvania, was convinced by Milwaukee agricultural supervisor Evan Hall to both joint the grazing association and open his lands to the group's use.[33] By February 1929 Inspector Wade reported that five other property owners had agreed to lease their lands.[34] A year later, all but 6,000 acres within the reserve had been leased and new leases were still being negotiated from time to time.[35] Custer County also

agreed to lease the lands it had taken for taxes within the grazing district. The acreage held by the county was minimal at first but later came to include several sections of land.[36].

The State of Montana was another landowner that the Interior Department had to deal with. Montana held title to ten sections of lands within the grazing district.[37] The lands were the consequence of a grant from Congress giving the state sections 16 and 36 in each township for the support of common schools.[38]

State land officials had been supportive of the efforts of Evan Hall and the ranchers between Mizpah and Pumpkin creeks to create a grazing reserve. They undoubtedly saw the idea as a means to lease lands that they had been unable to rent because of the area's ownership pattern and poor character.[39] After enactment of the Mizpah-Pumpkin Creek Grazing District law, however, the state realized it could not participate as it had hoped.

The problem, according to the state land department officials, was the state's land leasing law. Lands could be leased only for five-year terms, and only one section of land could be rented to an individual or association.[40] It was obvious that Montana could take no definite action in cooperating with the grazing association, but until some action could be taken that would allow Montana to cooperate, the state land department stated that it would not object to the grazing association's use of state lands.[41]

To overcome the problem, Mizpah-Pumpkin Creek Grazing District's lawyer suggested that Montana's legislature enact a law that would allow the state to cooperate.[42] State Land Agent L. E. Choquette

doubted whether that could be done. Instead, he suggested that Congress allow Montana to exchange its lands within the grazing reserve for public lands outside of the area and offered use of these state lands to the Mizpah-Pumpkin Creek Grazing Association without charge while such an arrangement was being worked on.[43] The idea appealed to General Land Office Inspector Wade, Evan Hall, and Congressman Scott Leavitt, and at Leavitt's request the Department of the Interior drafted the necessary legislation.[44] The bill met no opposition and was enacted without debate.[45]

The Act of March 1, 1929, provided for the Secretary of the Interior's acceptance, at his discretion, of the lands belonging to the State of Montana within the Mizpah-Pumpkin Creek Grazing District. Montana, in turn, could select any nonmineral, unreserved, surveyed public lands that were of equal area and value to those it surrendered. The lands given up by the state upon exchange would then become subject to the law creating the grazing reserve.[46]

During the summer of 1929, the State of Montana selected the public lands it wanted in exchange for its sections within the Mizpah-Pumpkin Creek Grazing District.[47] The General Land Office, however, objected to the lands chosen. It was pointed out to state officials that the Act of March 1, 1929, provided for the exchange of lands of equal value. The relinquished school sections were among the poorest grazing lands in Montana but the state had selected some of the best remaining public grazing lands in the foothill areas of southwestern Montana. The state was instructed to select other lands.[48] Montana land officials objected. They countered that the lands the state was

relinquishing had mineral values and those selected did not; furthermore, the lands chosen could only be grazed during the summer season, while those in the reserve could be used year-round. State land officials refused to withdraw the list of lands they had chosen.[49] The General Land Office was not persuaded by these arguments, and the state's selections were rejected.[50]

Montana appealed the General Land Office's decision to the Secretary of the Interior. State land officials repeated their arguments about the valuation of the lands being exchanged, and complained, erroneously, that they had not been consulted prior to the creation of the Mizpah-Pumpkin Creek Grazing District, which now isolated the state's lands and made it impossible to lease them to other parties.[51] The Interior Department affirmed the General Land Office decision in 1931 but did direct that a further hearing into the matter be held.[52] The state, however, chose not to pursue the issue further; it kept its lands within the grazing reserve because of their mineral value.[53]

While deciding to retain its lands within the Mizpah-Pumpkin Creek Grazing District, Montana did choose to cooperate with the grazing association. It allowed the ranchers to use state lands without charge for many years until a change in federal law enabled the lease of the school lands within the reserve to the grazing association.[54]

The public lands within the grazing reserve were the last lands with which the Department of the Interior dealt. The act creating the grazing reserve had ensured the ranchers' use of the area's public lands by withdrawing them from entry under the settlement laws and providing for their lease for the purpose of grazing and range

improvement.[55] The Interior Department officials had drafted preliminary regulations in the fall of 1928, but chose not to issue them until negotiations to lease the railroad, private, and state lands within the grazing district were completed. The government wanted to know under what terms the nonpublic lands would be leased and whether the owners would consent to Interior supervision of their lands.[56] The difficulties in reaching agreement with the Northern Pacific and Montana delayed the issuance of regulations and a formal lease of government lands. Despite repeated requests for agreement, Interior officials refused to take action until negotiations with the other landowners in the reserve were complete.[57] The conclusion of negotiations with Montana in late 1931 finally allowed Interior officials to finally promulgate the long-needed regulations.[58]

In General Land Office Circular No. 1263, approved on January 4, 1932, the Department of the Interior provided for the administration and leasing of the public lands within the Mizpah-Pumpkin Creek Grazing District. The purpose of the reserve was the "development of the native vegetative growth to the utmost practical limit obtainable by range management."[59] Responsibility for direct administration of the grazing district went to the stockmen's association. The ranchers had control of issuing grazing permits, regulating the grazing within the reserve, and the construction and maintenance of range improvements. The Department of the Interior, however, retained supervisory authority over the Mizpah-Pumpkin Creek Grazing Association and all the lands grazed by the group within the reserve. To protect the condition of the grazing district's range and reduce the number of livestock within

the reserve, the Interior Department cancelled grazing permits and closed to livestock grazing any part of the reserve damaged by fire, overgrazing, or other.[60] Leasing of the public lands within the grazing district was also provided for in these regulations.[61]

The Interior Department's issuance of regulations for the administration of the Mizpah-Pumpkin Creek Grazing District in early 1932 was, in many respects, little more than a formality. The grazing association had fenced and run livestock on the reserve since 1929. In those three years of operations the grazing district's range had shown marked improvement, and the ranchers had been able to demonstrate the value of cooperative and controlled grazing.

The Mizpah-Pumpkin Creek Grazing Association began making plans for the operation and administration of the reserve during the summer and fall of 1928. Forest Supervisor Alva Simpson explained to the ranchers how the Forest Service determined the number of livestock that stockmen could run in the national forests and how range was allocated to cooperative associations.[62] The stockmen's executive committee, unsurprisingly, chose to follow the Forest Service's practices.[63] The group also decided to complete the fencing of the grazing district and passed a resolution requiring members to build one stock watering reservoir for every 100 head of cattle or 500 sheep.[64] The ranchers hoped to begin the erection of fences and construction of range improvements in 1929.[65]

There was some question as to whether the Mizpah-Pumpkin Creek Grazing Association could begin operation in 1929. The problems of securing the lease of Northern Pacific and state lands threatened to

postpone matters to 1930.[66] Ranchers overcame both these problems with the lease of Northern Pacific lands to the grazing association in the summer of 1929 and the state's willingness to let the group use their lands while negotiations for the exchange of lands with the Interior Department proceeded.[67]

In June 1929 the association began to issue grazing permits to members and to collect fees to cover the expense of leases and improvements.[68] The erection of needed fencing started.[69] In the fall, members began to construct reservoirs.[70] This work continued for three years and resulted in the building of more than 60 watering sites.[71] During this first year the association also removed the herds of free-roaming horses that were overgrazing the reserve area and began the eradication of prairie dog towns that dotted the landscape.[72]

To rehabilitate the range, the ranchers restricted the length of the grazing season within the reserve to eight months and carefully watched the number of livestock permitted to run in the grazing district.[73] The first grazing season, the Mizpah-Pumpkin Creek Grazing Association allowed for the grazing of 3,040 cattle, 1,500 sheep, and 100 horses. The next year the association reduced the number of cattle by nearly 400 head. In 1931, the group permitted 200 more cattle when the last sheep outfit using the grazing reserve sold out.[74]

These measures by the grazing association soon paid off. Precipitation in southeastern Montana, and for most of the Great Plains, had been good in 1928 and 1929, but drought came to the region in 1930. The dry weather damaged range forage and hay crops throughout the Great Plains. The following year was worse for stockraisers on the northern

Great Plains, and many ranchers were forced to remove their livestock from the range.[75] Users of the Mizpah-Pumpkin Creek Grazing District, however, faired better. The conservative methods of the association saved the reserve from the ravages that befell the surrounding rangelands. The Mizpah-Pumpkin Creek Grazing District went into the 1931 grazing season with 20 percent better forage than adjacent range. This allowed grazing association members to graze their livestock within the reserve until the fall, whereas the herds outside the area had been forced from the range in the early summer. Not only was the grazing district's range in better condition, but livestock that grazed there were heavier than those run on the open range.[76] The Mizpah-Pumpkin Creek Grazing District, after only three years of operation, had already demonstrated the advantages that leasing of the public domain could offer to western stockraisers.

These developments were not going unnoticed. Stockmen and politicians throughout the West were watching the progress of the grazing reserve. The success of the Mizpah-Pumpkin Creek Grazing District prompted many of these interests to seek establishment of similar grazing reserves in their areas and the enactment of a general grazing lease law for the public lands.

ENDNOTES

[1]Evan Hall Diaries, April 18, 1928, and Evan Hall, "Monthly Report, April 1928, Evan Hall, Miles City, Agricultural Supervisor, C. M. & St. P. Ry.," Evan Hall Papers, State Historical Society of North Dakota, Bismarck, North Dakota (hereafter Hall Papers, SHSND, Bismarck); and Miles City Weekly Star, April 17, 1928, p. 6.

[2]"Mizpah-Pumpkin Creek Grazing Reserve: Stockmen's Meeting, Morning, April 18, 1928," Forest Service, Division of Range Management, G-Cooperation, Department of the Interior, Mizpah-Pumpkin Creek File, Record Group 95, Records of the Forest Service, National Archives, Washington, D.C. (hereafter Forest Service, Range Management, G-Cooperation, Interior, Mizpah-Pumpkin Creek File, RG 95, NA, Washington); William S. Wade, General Land Office Inspector, to Secretary of the Interior, May 7, 1928, General Land Office, 1910 Miscellaneous Letters Received Files, File 1303771, Part I, Record Group 49, Records of the General Land Office, National Archives, Washington, D.C. (hereafter General Land Office, 1910 Miscellaneous Letters Received, File 1303771, Pt. I, RG 49, NA, Washington); and Miles City Weekly Star, April 24, 1928, p. 6.

[3]"Mizpah-Pumpkin Creek Grazing Reserve: Committee with N.P.R.R. Men, Afternoon, April 18, 1928," and "Mizpah-Pumpkin Creek Grazing Reserve: Stockmen's Meeting, Afternoon, April 18, 1928," Forest Service, Custer National Forest, G-Cooperation, Mizpah-Pumpkin Creek Grazing Association File, Record Group 95, Records of the Forest Service, National Archives, Seattle Branch, Seattle, Washington (hereafter Forest Service, Custer Forest, G-Cooperation, Mizpah-Pumpkin Creek Association, RG 95, NA, Seattle).

[4]Alva Simpson, Forest Supervisor, to District Forester, June 18, 1928, General Land Office, 1910 Miscellaneous Letters Received, File 1303771, Pt. I, RG 49, NA, Washington; Evan Hall to Congressman Scott Leavitt, April 23, 1928, Evan Hall Collection, Montana Historical Society, Helena, Montana (hereafter Hall Collection, MHS, Helena); and Evan Hall, "Monthly Report, April 1928," Hall Papers, SHSND, Bismarck.

[5]The constitution and bylaws of the Mizpah-Pumpkin Creek Grazing Association as submitted to the Secretary of the Interior as an attachment of S. E. Heren, Chairman of the Executive Board, to the Secretary of the Interior, April 23, 1928, General Land Office, 1910 Miscellaneous Letters Received, File 1303771, Pt. I, RG 49, NA, Washington.

[6]Text of the recommendations made by the executive committee meeting of April 19, 1928, is provided as an attachment accompanying the letter of Evan Hall to Congressman Scott Leavitt, April 23, 1928,

[7]Evan Hall to Congressman Scott Leavitt, April 23, 1928, Hall Collection, MHS, Helena.

[8]Evan Hall to Congressman Scott Leavitt, April 23, 1928, Hall Collection, MHS, Helena; Alva Simpson, Memorandum for the District Forester, April 26, 1928, Forest Service, Custer Forest, G-Cooperation, Mizpah-Pumpkin Creek Association, RG 95, NA, Seattle; and Interview with Armand and Helder Tonn, sons of organizer William Tonn, SY Ranch, south of Miles City, Montana, August 20, 1981.

[9]Congressman Scott Leavitt to Evan Hall, April 16, 1928, Hall Collection, MHS, Helena; and "Mizpah-Pumpkin Creek Grazing Reserve: Stockmen's Meeting, Afternoon, April 18, 1928," Forest Service, Custer Forest, G-Cooperation, Mizpah-Pumpkin Creek Association, RG 95, NA, Seattle.

[10]William Wade, General Land Office Inspector, to Secretary of the Interior, May 7, 1928, and Wade to Assistant Chief Inspector, General Land Office, May 8, 1928, General Land Office, 1910 Miscellaneous Letters Received Files, File 1303771, Pt. I, RG 49, NA, Washington.

[11]Wade to Assistant Chief Inspector, General Land Office, May 8, 1928, Ibid.

[12]Wade to Secretary of the Interior, May 7, 1928, Ibid.

[13]Secretary of the Interior to Secretary of Agriculture, May 28, 1928, and Acting Secretary of the Interior to Paul Lewis, Custer County Agricultural Agent, June 13, 1928, Ibid.

[14]Paul Lewis, Custer County Agricultural Agent, to Acting Secretary of the Interior Finney, June 18, 1928, Ibid.

[15]Alva Simpson to District Forester, June 18, 1928, and Acting Secretary of Agriculture to Secretary of the Interior, July 10, 1928, Ibid.

[16]E. C. Finney, First Assistant Secretary of the Interior, Memorandum for Commissioner Havell, August 15, 1928, Ibid.

[17]Assistant Commissioner of the General Land Office to William Wade, General Land Office Inspector, August 25, 1928, Ibid.

[18]U.S. Congress, House, Committee on Public Lands, Agreement Between Montana and Private Owners of Lands for Grazing, Etc., 69th Cong., 2d sess., 1927, H. Rpt. 1807.

[19]William Wade, General Land Office Inspector, to J. M. Hughes, Northern Pacific Land Commissioner, August 31, 1928, and J. M. Hughes, Northern Pacific Land Commissioner, to William Wade, General Land Office Inspector, September 7, 1928, General Land Office, 1910 Miscellaneous Letters Received Files, File 1303771, Pt. I, RG 49, NA, Washington.

[20]J. M. Hughes, Northern Pacific Land Commissioner, to Charles Donnally, Northern Pacific President, November 22, 1928, Northern Pacific Railway Company, President's File 526-G21, Northern Pacific Railroad Company Collection, Minnesota Historical Society, St. Paul, Minnesota (hereafter, Northern Pacific President's File 526-G21, Northern Pacific Collection, MHS, St. Paul); and Ross R. Cotroneo, "The History of the Northern Pacific Land Grant," Ph.D. dissertation, University of Idaho, 1966, p. 97.

[21]J. M. Hughes, Northern Pacific Land Commissioner, to Charles Donnally, Northern Pacific President, November 22, 1928, Northern Pacific President's File 526-G21, Northern Pacific Collection, MHS, St. Paul.

[22]The negotiated lease is Exhibit A in William Wade, General Land Office Inspector, to Commissioner of the General Land Office, December 13, 1928, General Land Office, 1910 Miscellaneous Letters Received, File 1303771, Pt. I, RG 49, NA, Washington.

[23]Evan Hall to E. C. Finney, First Assistant Secretary of the Interior, December 22, 1928, Ibid.

[24]Acting Commissioner of the General Land Office to William Wade, General Land Office Inspector, February 28, 1929, Ibid., Pt. II.

[25]E. C. Finney, First Assistant Secretary of the Interior, to Nic Monte, March 2, 1929, Ibid.

[26]J. M. Hughes, Northern Pacific Land Commissioner, to William Wade, General Land Office Inspector, March 12, 1929, Ibid.

[27]Acting Commissioner of the General Land Office to William Wade, General Land Office Inspector, April 11, 1929, Ibid.

[28]J. M. Hughes, Northern Pacific Land Commissioner, to Acting Commissioner of the General Land Office, April 23, 1929, Ibid.

[29]Ibid.

[30]Joseph Dixon, First Assistant Secretary of the Interior, to J. M. Hughes, Northern Pacific Land Commissioner, May 13, 1929, Ibid.; and Mizpah-Pumpkin Creek Grazing Association, "Mizpah-Pumpkin Creek Grazing Association Meeting Minutes," June 25, 1929, in possession of

Helder Tonn, Miles City, Montana (hereafter Mizpah-Pumpkin Creek Grazing Association, "Association Minutes").

[31]William Wade, General Land Office Inspector, to Assistant Chief Inspector, General Land Office, May 8, 1928, General Land Office, 1910 Miscellaneous Letters Received, File 1303771, Pt. I, RG 49, NA, Washington.

[32]William Wade, General Land Office Inspector, to Commissioner of the General Land Office, December 13, 1928, Ibid.

[33]Evan Hall to Alva Simpson, July 6, 1934, Hall Collection, MHS, Helena.

[34]William Wade, General Land Office Inspector, to Commissioner of the General Land Office, February 6, 1929, General Land Office, 1910 Miscellaneous Letters Received, File 1303771, Pt. I, RG 49, NA, Washington.

[35]Nic Monte to Evan Hall, January 8, 1930, Hall Collection, MHS, Helena.

[36]U.S. Congress, House, Committee on Public Lands, Grazing on the Public Domain: Hearings on H.R. 11816, 72d Cong., 1st sess., 1932, p. 55; and Mizpah-Pumpkin Creek Grazing Association, "Association Minutes," May 30, 1930; June 16, 1930; March 7, 1938; November 25, 1939; and March 15, 1944.

[37]Congress, Agreement Between Montana and Private Owners of Lands for Grazing, H. Rpt. 1807.

[38]Act of February 22, 1889, U.S. Congress, Statutes at Large 25: 676 and 679-680.

[39]Evan Hall to Congressman Scott Leavitt, November 18, 1926, and H. C. Biering, State of Montana Land Department to Evan Hall, February 14, 1927, Hall Collection, MHS, Helena.

[40]These restrictions on the lease of state school lands were not the result of state law, as most contemporary correspondence indicates, but federal law. The Act of February 22, 1889, U.S. Congress, Statutes at Large 25: 676 and 679-680, granting these lands, placed these restrictions upon the state.

[41]William Wade, General Land Office Inspector, to Secretary of the Interior, May 7, 1928, and Wade to Assistant Chief Inspector, General Land Office, May 8, 1928, General Land Office, 1910 Miscellaneous Letters Received, File 1303771, Pt. I, RG 49, NA, Washington.

[42]William Wade, General Land Office Inspector, to Secretary of the Interior, May 7, 1928, Ibid.

[43]Ibid.; Regional Forester, Region 1, to Regional Forester, Region 5, Forest Service, Range Management, G-Cooperation, Interior, Mizpah-Pumpkin Creek File, RG 95, NA, Washington; and State Land Agent L. E. Choquette to William Wade, General Land Office Inspector, October 17, 1928, Mizpah-Pumpkin Creek Grazing District Exchange File, Montana Department of State Lands, Helena, Montana (hereafter Mizpah-Pumpkin Creek Exchange File, Montana Department of State Lands, Helena).

[44]William Wade, General Land Office Inspector, to Secretary of the Interior, May 7, 1928, and Wade to Commissioner of the General Land Office, October 20, 1928, General Land Office, 1910 Miscellaneous Letters Received, File 1303771, Pt. I, RG 49, NA, Washington; Evan Hall to First Assistant Secretary of the Interior, December 22, 1928, and Congressman Scott Leavitt to Evan Hall, January 5, 1929, Hall Collection, MHS, Helena; and First Assistant Secretary of the Interior, December 27, 1928, Department of the Interior, Central Classified Files 1907-1936, Legislation, File 2-147, Grazing on the Public Lands, 70th Congress, H.R. 15724, Record Group 48, Records of the Secretary of the Interior, National Archives, Washington, D.C. (hereafter Interior, CCF 1907-1936, Legislation, File 2-147, Grazing on the Public Lands, RG 48, NA, Washington).

[45]See Interior, CCF 1907-1936, Legislation, File 2-147, Grazing on the Public Lands, 70th Congress, H.R. 15724, RG 48, NA, Washington and U.S. Congress, House, Committee on Public Lands, To Exchange Certain Lands in Montana, 70th Cong., 2d sess., 1929, H. Rpt. 2101.

[46]Act of March 1, 1929, U.S. Congress, Statutes at Large 45: 1430.

[47]Montana Department of State Lands, Land Exchange List, Mizpah-Pumpkin Creek Exchange File, Helena, Montana.

[48]William Wade, General Land Office Inspector, to H. C. Beering [sic], Montana State Land Agent, October 30, 1929, Ibid.; Wade to Commissioner of the General Land Office, October 29, 1929, General Land Office, 1910 Miscellaneous Letters Received, File 1303771, Pt. I, RG 49, NA, Washington; and Wade to Commissioner of the General Land Office, September 16, 1930, General Land Office, Great Falls Land Office, Serial Case File 075499, Record Group 49, Records of the Bureau of Land Management, National Archives, Denver Branch, Denver, Colorado (hereafter General Land Office, Great Falls 075499, RG 49, NA, Denver).

[49]H. C. Biering, State Land Agent, to L. E. Choquette, State Land Agent, November 2, 1929, Choquette to Wade, November 7, 1929, and Montana State Land Commissioner to Register, Great Falls Land Office, September 16, 1930, Mizpah-Pumpkin Creek Exchange File, Montana Department of Lands, Helena.

[50]Acting Commissioner of the General Land Office to Register, Billings Land Office, October 27, 1930, General Land Office, Billings 031240, RG 49, NA, Denver. Similar letters of various dates were also sent to the register of the Great Falls Land Office regarding the lands selected by the State for cancellation (see Great Falls 075470, 075471, 075472, 075473, 075475, 075498, 075499, 075500, 075501, and 075502, RG 49, NA, Denver).

[51]Assistant Commissioner of State Lands to Secretary of the Interior, January 8, 1931, General Land Office, Billings 031240, RG 49, NA, Denver.

[52]Assistant Secretary of the Interior, "Decision," May 5, 1931, Ibid.

[53]Commissioner of State Lands to Commissioner of the General Land Office, December 9, 1931, Ibid.

[54]An assertion has been made that the state lands within the Mizpah-Pumpkin Creek Grazing District were exchanged as shown in E. Louise Peffer, The Closing of the Public Domain: Disposal and Reservation Policies, 1900-1950 (Stanford: Stanford University Press, 1951), pp. 214-215. As pointed out in the study, however, this did not occur because of the disagreement on the value of the lands to be exchanged. The state lands within the reserve still belong to the State of Montana as shown by Township Grazing Lease Card File, Montana Department of State Lands, Helena, Montana. In 1932, Congress amended the common school lands leasing provisions in the Act of February 22, 1889, and removed the one section lease limitation (Act of May 7, 1932, U.S. Congress, Statutes at Large 47: 150), and the State started to lease its lands to the Mizpah-Pumpkin Creek Grazing Association (Montana Department of State Lands, Township Grazing Lease Card File, Helena, Montana).

[55]The Act of March 29, 1928 (U.S. Congress, Statutes at Large 45: 380), provided that the public lands within the reserve would be withdrawn from "all forms of homestead entry" but not the mineral land laws during the term of the lease. The General Land Office, however, failed to make the withdrawal immediately. More than six months after the law, Inspector Wade noted this and prompted the issuance of a withdrawal order in December 1928 as shown in William Wade, General Land Office Inspector, to Commissioner of the General Land Office, November 14, 1928, and Executive Order No. 5004, December 3, 1928, General Land Office, 1910 Miscellaneous Letters Received, File 1303771, Pt. I, RG 49, NA, Washington.

[56]Solicitor, Department of the Interior, to First Assistant Secretary of the Interior, August 14, 1928, and E. C. Finney, First Assistant Secretary of the Interior, "Memorandum for Commissioner Havell," August 15, 1928, Ibid.

[57]First Assistant Secretary of the Interior to Nic Monte, February 15, 1929; First Assistant Secretary of the Interior to Congressman Scott Leavitt, May 2, 1929; First Assistant Secretary of the Interior to Paul Lewis, Custer County Agent, May 13, 1929; Secretary of the Interior to Congressman Scott Leavitt, May 26, 1930; and Acting Commissioner of the General Land Office to William Wade, General Land Office Inspector, November 4, 1930, Ibid., Pt. II.

[58]Commissioner of the General Land Office to William Wade, General Land Office Inspector, December 3, 1931, Ibid.

[59]Commissioner of the General Land Office, "Circular No. 1263," January 4, 1932, General Land Office, Billings 033683, RG 49, NA, Denver.

[60]Ibid.

[61]The lease agreement between the Department of the Interior and the Mizpah-Pumpkin Creek Grazing Association was signed in May 1932 ("Lease of Lands for Grazing Livestock, Act of March 29, 1928 (45 Stat. 380)," May 9, 1932, GLO, Billings Land Office, File 033683, RG 49, NA, Denver).

[62]Alva Simpson to Nic Monte, June 5, 1928, Forest Service, Custer Forest, G-Cooperation, Mizpah-Pumpkin Creek Association, RG 95, NA, Seattle.

[63]Mizpah-Pumpkin Creek Grazing Association, "Association Minutes," October 1, 1928, and October 6, 1928.

[64]Ibid., June 27, 1928.

[65]See recommendations enclosed in S. E. Heren to Secretary of the Interior, April 23, 1928, General Land Office, 1910 Miscellaneous Letters Received, File 1303771, Pt. I, RG 49, NA, Washington.

[66]First Assistant Secretary of the Interior to Nic Monte, February 15, 1929, and Nic Monte to First Assistant Secretary of the Interior, February 25, 1929, Ibid., Pt. II; and Mizpah-Pumpkin Creek Grazing Association, "Association Minutes," December 19, 1928.

[67]See discussion on Northern Pacific Railway Company and State of Montana lands above.

[68]Mizpah-Pumpkin Creek Grazing Association, "Association Minutes," June 25, 1929.

[69]Ibid.

[70]Ibid., August 3, 1929.

[71]Willard Lamphere, "1931 Annual Report: Custer and Powder River County Extension Organization," p. 27, Agricultural Extension Agent Annual Reports, Montana State University Archives, Bozeman, Montana (hereafter Lamphere, "1931 Report: Custer County," Extension Agent Reports, MSU, Bozeman).

[72]"Mizpah-Pumpkin Creek Grazing District," The Producer XII (February 1931), p. 8; Nic Monte to Congressman Scott Leavitt, December 12, 1931, General Land Office, 1910 Miscellaneous Letters Received, File 1303771, Pt. I, RG 49, NA, Washington; and Paul Lewis, "1930 Report: Custer County," p. 40 and Lamphere, "1931 Report: Custer County," p. 27, Extension Agent Reports, MSU, Bozeman.

[73]U.S. Congress, House, Grazing on the Public Domain: Hearings on H.R. 11816, p. 56 and Interview with Armand and Helder Tonn.

[74]Lamphere, "1931 Report: Custer County," Extension Agent Reports, MSU, Bozeman.

[75]John T. Schlebecker, Cattle Raising on the Plains, 1900-1961 (Lincoln: University of Nebraska Press, 1963), pp. 123-124 and John C. Hoyt, Droughts of 1930-1934, U.S. Geological Survey Water Supply Paper No. 680 (1936), 5-46.

[76]U.S. Congress, House, Grazing on the Public Domain: Hearings on H.R. 11816, pp. 56-57; Lamphere, "1931 Report: Custer County," p. 25, Extension Agent Reports, MSU, Bozeman; W. S. Wade, "Use of Public Lands by Grazing Association Under control of Interior Department," The National Wool Grower 22 (March 1932), pp. 30-31; Nic Monte to Congressman Scott Leavitt, September 12, 1931, General Land Office, 1910 Miscellaneous Letters Received, File 1303771, Pt. I, RG 49, NA, Washington; and Willard Lamphere, Custer County Agricultural Agent, to Solicitor, Department of the Interior, March 1, 1932, Interior, CCF 1907-1936, GLO, Correspondence, File 2-147, Grazing on the Public Lands, General, Pt. VIII, RG 48, NA, Washington.

CHAPTER IV

THE MIZPAH-PUMPKIN CREEK GRAZING DISTRICT AND THE ADOPTION OF A PUBLIC LANDS GRAZING POLICY

The success experienced by the Mizpah-Pumpkin Creek Grazing Association during the drought of 1931 came at a time when Congress was again seriously debating the future of the public domain. President Herbert Hoover had proposed two years earlier that the unreserved and unappropriated remnants of the nation's landed estate be transferred to the states. Proponents of the cession saw transfer as a means by which overgrazing and crowding on the public range could be brought to an end, but opposition to the plan blocked the necessary legislation.

The failure of the Hoover initiative and the rapidly spreading word of the Mizpah-Pumpkin Creek Grazing Association success made Congress again turn its attention to the idea of providing for regulated grazing on the public lands. Supporters of supervised grazing saw the Mizpah-Pumpkin Creek Grazing District as an example of the benefits that western stockraisers would realize through the leasing of the public range. Beginning in late 1931, numerous bills calling for federal supervision of grazing on the public lands came before the Congress and after nearly three years of debate, Congress finally enacted a general grazing law--the Taylor Grazing Act. Through this legislation, the principles and lessons taught by the

Mizpah-Pumpkin Creek Grazing District were extended to the remainder of the public domain.

The seemingly hopeless impasse on the public domain grazing issue in the late 1920s was, to a great extent, responsible for Congress' willingness to authorize the lease of public lands to the Mizpah-Pumpkin Creek Grazing Association. The Montana grazing reserve was viewed by its proponents as an experiment, but there were those who sought another solution to the public lands grazing problem. These individuals advocated the transfer of the public lands to the states, arguing that the states could better handle the administration of these lands and would be more responsive to the needs of stockmen and other interests whose businesses depended upon the resources of the public lands.[1]

The administration of the newly elected President Herbert Hoover publicly endorsed this proposition during the summer of 1929. Before the annual convention of western governors in July, Secretary of the Interior Ray Lyman Wilbur stated that the time had come for the federal government to transfer the "surface rights of all the public lands not included in national parks or monuments or in the national forests" to those states willing to take on the responsibility.[2] A month later, President Hoover, who viewed cession as a means by which the deterioration of the public range might be ended, reiterated the proposal forwarded by the Interior Secretary and called for the appointment of a commission to report upon the advisability of such a transfer.[3]

Congress heeded the President by creating the Committee on the Conservation and Administration of the Public Domain in April 1930. The committee's purpose was to give careful consideration to the public lands cession question. Composed of representatives from the eleven western public land states and members-at-large from other parts of the country, the group, whose chairman was James R. Garfield, Secretary of the Interior under President Theodore Roosevelt, solicited opinions about the transfer from the western states and obtained reports and recommendations from federal government agencies responsible for the administration of federal lands. Within a few months, Garfield and his committee had the information its needed.[4]

The Committee on the Conservation and Administration of the Public Domain gave its recommendations to President Hoover in January 1931. Its report advocated federal retention of the national parks and forests and the mineral resources of the public domain but cession of the unreserved and unappropriated remnants of the public lands to the states. The states, said the committee, could better manage those lands. If any of the states should refuse to take title to the land offered, it was recommended that grazing on the public lands within those states be regulated by the federal government.[5]

Congress responded to this report with the introduction of several bills providing for the cession of the public lands to the states. The measures were well received by western livestock interests that saw the transfer of control of the remaining open range as beneficial, but few others shared their enthusiasm. Public sentiment in the East and Midwest viewed cession as a "giveaway" not in the best interests of

either the public or the country. Even in the West there were few supporters. Many westerners wanted the national forests and mineral lands included in the cession, because revenues from those lands would help pay for the administration of the lands offered. Others distrusted state politicians or feared the loss of federal monies for irrigation and similar projects.[6]

Word of the Mizpah-Pumpkin Creek Grazing District's success during the 1931 drought came when hopes of ceding the public lands to the states was beginning to wane. In December 1931, The Producer, the National Live Stock Association's monthly journal, and the Montana Stockgrower reported the accomplishments of the Montana grazing reserve to their readers.[7] Soon afterwards, William Wade of the General Land Office told the annual meeting of the National Wood Growers' Association how the Mizpah-Pumpkin Creek Grazing District had enabled local ranchers to overcome a complicated land pattern and had permitted them to improve both the reserve's range and the quality of their herds.[8] Later in 1932, R. B. Tootell, a land economist at Montana State College, wrote about the Mizpah-Pumpkin Creek Grazing District and the promise grazing districts offered stockmen.[9]

Western stockraisers showed great interest in this news. To many ranchmen the Mizpah-Pumpkin Creek Grazing District clearly demonstrated the benefits to be realized through the leasing of public lands and the organization of grazing reserves. What particularly appealed to these independent-minded individuals, however, was the fact that the Mizpah-Pumpkin Creek Grazing Association had been allowed to administer their own affairs with little interference from the Interior Department.[10]

Ranchers throughout the West began writing the Department of the Interior for more information about the Mizpah-Pumpkin Creek Grazing District.[11] Forest Service officials also found themselves besieged by inquiries.[12] Even R. B. Tootell, the Montana State College land economist, had numerous requests for his study on grazing districts.[13]

Many stockmen wanted grazing reserves like the Mizpah-Pumpkin Creek Grazing District set aside for themselves. Such interest had arisen as early as 1928.[14] Congress created a second grazing district in California in 1931, but this reserve was on lands set aside primarily for the protection of the water supply for several California cities.[15] Congressman Scott Leavitt had the Interior Department in 1930 and 1931 withdraw from settlement the public lands in two areas of eastern Montana in anticipation of additional grazing districts.[16] He then introduced legislation in late 1931 that would allow for the creation of grazing reserves in Montana upon the petition of local stockraisers and the approval of the governor.[17]

The Leavitt measure was followed by other bills calling for the creation of reserves similar to the Mizpah-Pumpkin Creek Grazing District. Most were for the establishment of separate reserves located in Colorado, Idaho, and Oregon, but one was a statewide measure for Nevada.[18] All of these bills were, in the absence of a general policy, an attempt to solve the public lands grazing problem in specific areas of the West. The Department of the Interior, while not adverse to such measures, preferred the enactment of a general grazing policy for public domain, rather than piecemeal legislation.[19] Congress agreed and chose to concentrate its efforts on the passage of such a bill.[20]

Several general public domain grazing measures went before Congress in late 1931 and early 1932.[21] Of these bills, Congress gave serious consideration to only H.R. 11816. This legislation was based on a review of previous grazing measures and on consultations between two congressmen, Don Colton of Utah and Burton French of Idaho, and officials of the Agriculture and Interior Departments. Supporters of regulated grazing on the public domain viewed the bill as a well-balanced conservation measure.[22]

The Colton bill, as H.R. 11816 came to be known, authorized the Secretary of the Interior to withdraw public lands from settlement for the purpose of establishing grazing districts and to make what rules and regulations he deemed necessary for the administration of those lands. It gave stockraisers ten-year grazing leases, allowed the organization of cooperative grazing associations, and provided for the exchange of private lands within the grazing districts. Homesteading might also continue in grazing districts on lands classified as chiefly valuable for agricultural purposes. The measure's last section, a concession to states' rights advocates, gave state legislatures the power to disapprove extension of the bill's provisions over the public lands within their boundaries.[23]

In the congressional hearings on the Colton measure, proponents of regulated grazing did all they could to show the benefits that western stockgrowers would realize if the public lands were leased for grazing purposes.[24] Congressman Scott Leavitt of Montana, in the hearings before the House of Representatives, brought up the Mizpah-Pumpkin Creek Grazing District as an example of what leasing could accomplish.

He told his fellow congressmen of the grazing reserve's success and introduced into the record a report that outlined its achievements.[25] He also spoke of the Montana grazing district before the Senate.[26]

Not all in Congress were impressed by the arguments of Congressman Leavitt and the accomplishments of the Mizpah-Pumpkin Creek Grazing District. Senator Thomas J. Walsh of Montana, who had been instrumental in securing the passage of the law authorizing the Montana grazing reserve, was one of those individuals. He noted, somewhat sarcastically, that Leavitt had once worked for the Forest Service and so was imbued with the conservation philosophy of that agency. This had led the Montana congressman, Walsh contended, to sponsor the Mizpah-Pumpkin Creek Grazing District measure and accounted for his promotion of its success. As for the accomplishments of the grazing reserve, Walsh asked why it shouldn't be a success: after all, the grazing district's association had a ten-year permit to use the range that allowed it to close the range to all other stockmen. If given the authority to create additional grazing districts, argued the Montana senator, the Secretary of the Interior could, through the Department of the Interior's control of grazing permits, shut out those ranchers he chose. To Walsh, who had opposed regulated grazing for the public lands, the extension of the leasing system as represented by the Mizpah-Pumpkin Creek Grazing District posed a serious threat to the interests of western stockgrowers.[27]

The House of Representatives passed the Colton measure in February 1933. In the Senate, Senator Walsh and other western senators on the

Committee On Public Lands and Surveys, who were vehemently opposed to the bill, blocked the legislation's introduction to the Senate floor.[28]

Defeat of H.R. 11816 did not deter proponents of regulated gazing. The opening of another Congress in early 1933 saw the Colton measure reintroduced. This time, however, Congressman Edward Taylor of Colorado championed the measure.

Edward Taylor had entered the House of Representatives in 1909 and in his early years had established for himself a reputation for being a staunch supporter of states' rights and a vocal opponent of conservation. In 1916, the Coloradoan was instrumental in securing the passage of the Stock Raising Homestead Act. The continuing deterioration of the public domain grazing situation after World War I, however, concerned Taylor; he realized that something had to be done to end free and open grazing on the public lands.[29]

It was difficult for Taylor to abandon his states' rights views. He preferred the idea of ceding the public lands to the states, but Taylor realized that the proposal had no chance of succeeding. The Colorado congressman, therefore, sought to bring an end to the chaos that plagued stockraisers on the public domain, and he became committed to the grazing lease cause.[30]

Taylor sincerely wanted federal regulation of the public range. He spoke passionately of the suffering caused by free and open grazing on the public domain. Crowding and overgrazing, Taylor claimed, had led to range wars and soil erosion. Leasing, in his mind, was the only means by which order and stability could be brought to the public range.[31] Helping him reach this conclusion may have been the success

of the Mizpah-Pumpkin Creek Grazing District, for Taylor had watched the experiment's progress with great interest.[32]

Taylor's measure, H.R. 2835, did not better than its predecessor. Opponents, rallied by the arguments made a few months earlier against the Colton bill, continued their resistance, and western livestock groups reiterated their support for transferring the remaining public lands to the states. The proposed legislation was defeated with little effort.[33]

H.R. 2835 had received support from the newly elected administration of Franklin Delano Roosevelt. The President had long had an interest in conservation matters. On the public lands grazing issue, he recognized the necessity of the Taylor bill.[34] So did Harold Ickes, his Secretary of the Interior.

Ickes was an ardent conservationist. He belonged to many conservation organizations and had long been associated with Gifford Pinchot, the chief architect of President Theodore Roosevelt's conservation policy.[35] Ickes viewed the public domain grazing problem as tragic and felt that only through federal regulation and conservation would the destruction of the public range be stopped.[36] To support his position, the Secretary pointed to the Mizpah-Pumpkin Creek Grazing District. He noted now local stockmen, working in cooperation with the Interior Department, had been able to improve some of the poorest grazing land in Montana through regulated use and the construction of range improvements. Ickes felt that the Mizpah-Pumpkin Creek Grazing District reflected what "true conservation" was all about: the wise use of

natural resources. He believed, too, that the Taylor measure would do the same for the rest of the public domain.[37]

It became evident to Ickes during the hearings on H.R. 2835 in the House of Representatives that Congressman Taylor's bill had little chance of passing.[38] When the measure failed, Ickes decided to become directly involved in the public lands grazing controversy. He first admonished western stockraising interests for opposing legislation that would be of benefit to their industry.[39] The Secretary of the Interior then ordered in July 1933 that the fences that had been illegally erected on the public lands be removed.[40]

The action shocked ranchers. Tearing down the fences would be expensive and would open vast tracts of public range to crowding and overgrazing. Secretary Hubert Work had made a similar attempt in 1925 but had suspended the order as Congress debated the grazing issue. Ickes, however, was serious, and he told the Department of the Interior's special agents to take appropriate action against those who had illegally fenced the public domain.[41]

The Secretary of the Interior had also taken other action earlier. By the Emergency Conservation Work Act of March 31, 1933, Congress had provided for the creation of a Civilian Conservation Corps (CCC) that would perform conservation work on the federal lands. Western states had great interest in this program, but Ickes chose not to start any CCC projects on the public domain until Congress provided for the adequate administration of those lands. If a grazing lease law were enacted, however, the Interior Department, promised Ickes, would immediately assign CCC units to the public lands.[42]

In January 1934, the combative Secretary of the Interior had one more surprise for those opposed to federal grazing regulation. An idea had surfaced in 1933 among Interior Department lawyers that the Secretary of the Interior already possessed sufficient authority to withdraw and administer the public lands for grazing purposes.[43] In an opinion requested by Ickes, the Solicitor, being legal counsel for the Department of the Interior, laid out the arguments in support of the contention. The executive branch's ability to withdraw public lands from settlement and use, the solicitor contended, were derived both from statutory and nonstatutory authorities. In withdrawing public lands for the purpose of protecting the range, the Interior Department could restrict grazing, since use of the public land by stockmen was by sufferance only. The Secretary could then, through his general jurisdiction over the public lands, promulgate rules and regulations necessary to effect the purposes for which the withdrawals were made.[44] The opinion, which the Attorney General concurred with, gave Ickes a "trump card."[45] If Congress would not act on the public lands grazing issue, he could.[46]

To let congress know that he would not hesitate to exercise his authority, the Secretary of the Interior withdrew more than 1 million acres in Utah as a grazing district in February 1934.[47] Ickes had no intention of withdrawing all the public lands in that manner. He did, however, want to protect seriously overgrazed areas and had plans for making further grazing district withdrawals.[48] As Ickes explained to members of Congress who questioned his motives, withdrawals like the

one in Utah would be "resorted to when found necessary, largely upon application of local users of the range."[49]

Following the lead of Secretary of the Interior Ickes, Congressman Edward Taylor redrafted the "Colton measure." The new bill, H.R. 6462, retained most of its predecessor's provisions: the Secretary of the Interior was authorized to withdraw public lands for grazing districts and promulgate rules and regulations necessary to protect the range, public and private lands could be exchanged, cooperative grazing associations were permitted, and settlement was still allowed on public lands classified as chiefly valuable for agricultural purposes. Missing was the section that permitted the states to reject extension of the bill's provisions to the public lands within their boundaries.[50]

In the hearings and floor debates on the new Taylor bill that followed in the House of Representatives and Senate, opponents and proponents of regulated grazing repeated their often heard arguments.[51] Discussions touching upon the Mizpah-Pumpkin Creek Grazing District reflected this. Supporters continued to hold up the grazing reserve as an example of what federal regulation of the public range could accomplish. Henry K. Harriman, president of the U.S. Chamber of Commerce and owner of a ranch adjacent to the Mizpah-Pumpkin Creek Grazing District, saw the reserve as a "practical example" of what leasing of the public lands could do for stockmen and the range, for as the lands surrounding his ranch continued to deteriorate, those within the Mizpah-Pumpkin Creek Grazing District had improved.[52] Interior Department and General Land Office officials used the reserve to point out how leasing of the public domain would permit stockmen to pool

public and private lands to form viable grazing units. The grazing district, according to these officials, also illustrated that the Department of the Interior could administer grazing on the public lands in a decentralized manner, allowing ranchers considerable autonomy and minimizing the costs of administration to the federal government.[53]

Critics of regulated grazing also used the Mizpah-Pumpkin Creek Grazing District to support their position. They argued, like Senator Thomas J. Walsh previously had, that the Montana grazing reserve had closed out other stockmen and that Taylor's bill would allow the Secretary of the Interior to do the same in the grazing districts that measure would create. Moreover, the power of the Secretary of the Interior to determine the number of livestock within the Mizpah-Pumpkin Creek Grazing District gave control of the ranching operations dependent upon that range to the Interior Department. Such a situation could not be tolerated.[54]

For opponents of regulated grazing, however, the handwriting was on the wall. Secretary of the Interior Ickes' withholding of CCC funds and units from the public domain and his threat to establish grazing districts by his own authority, combined with the worsening effects of economic depression and drought, made blocking passage of the measure impossible.[55] Opponents now turned their attention to enacting legislation more to their liking.[56] They kept the cession idea open by having the Taylor bill's avowed purpose be "to promote the highest use of the public lands pending [their] final disposition."[57] In addition, the acreage that could be included in grazing districts was restricted

to only 80 million of the more than 165 million acres available.[58] More damaging changes to the Taylor bill, however, were frustrated by Ickes and his allies in the House of Representatives.[59] The measure then went to President Roosevelt for approval.[60]

Secretary of the Interior Harold Ickes greeted passage of the Taylor Grazing Act with jubilation. He recognized that the law had shortcomings, but he felt that the measure was the best the administration could hope for at the time. Secretary of Agriculture Henry Wallace and his Forest Service officials did not feel the same. They saw the act as anti-conservation legislation that gave control of the public domain to the states and would permit monopoly of the range by certain livestock interests and urged the law's veto.[61]

Confronted with conflicting advice, Roosevelt decided to have his Attorney General review the act and its provisions. Assured by his chief legal advisor that the Taylor Grazing Act would provide the management and conservation of the public lands that administration wanted, the president signed the measure into law on June 28, 1934.[62]

In approving the Taylor Grazing Act, FDR declared the new law "a great forward step in the interests of conservation, which will prove of benefit not only to those engaged in the livestock industry but also the Nation as a whole."[63] The principles and lessons learned by the Mizpah-Pumpkin Creek Grazing District could now be extended to the remainder of the public domain. The Montana grazing reserve had fulfilled the greatest expectations of its founders; it had provided a workable model for a nation in search of a new public land grazing policy.

ENDNOTES

[1]A good presentation of the arguments favoring cession of the public lands to the states is presented in Charles E. Winter's Four Hundred Million Acres: The Public Lands and Resources: History, Acquisition, Disposition, Proposals, Memorials, Briefs, Status (Casper, Wyoming: Overland Publishing Co., 1932), pp. 123-134. Winter was a long-time advocate of the transfer of the public lands to the states and one of the idea's most ardent supporters [T. A. Larson, History of Wyoming, Second Edition (Lincoln: University of Nebraska Press, 1978), pp. 426-429].

[2]As quoted in E. Louise Peffer, The Closing of the Public Domain: Disposal and Reservation Policies, 1900-1950 (Stanford: Stanford University Press, 1951), p. 203.

[3]Ibid, pp. 203 and 209.

[4]Ibid., pp. 204-205.

[5]See U.S. Committee on the Conservation and Administration of the Public Domain, Report of the Committee on the Conservation and Administration of the Public Domain (Washington, D.C.: U.S. Government Printing Office, 1931).

[6]Peffer, The Closing of the Public Domain, pp. 205-209; Donald C. Swain, Federal Conservation Policy, 1921-1933 (Berkeley: University of California Press, 1963), pp. 164-165; and John Carver Edwards, "Herbert Hoover's Public Lands Policy: A Struggle for Control of the Western Domain," Pacific Historian 20 (Spring 1976): 36-39 and 41-43.

[7]The Producer, December 1931, p. 12; and Montana Stockgrower, December 1, 1931, p. 2.

[8]W. S. Wade, "Use of Public Lands by Grazing Association Under Control of Interior Department," The National Wool Grower 22 (March 1932), pp. 29-31.

[9]R. B. Tootell, Grazing Districts, Their Nature and Possibilities in Range Land Utilization, Montana State College Extension Service Bulletin No. 127 (December 1932).

[10]Wade, "Use of Public Lands by Grazing Association," p. 31 and Dan Fulton, Failure on the Plains: A Rancher's View of the Public Land Problem (Bozeman, Montana: Big Sky Books, 1982), p. 128.

[11]Wade, "Use of Public Lands by Grazing Association," p. 31; Peffer, The Closing of the Public Domain, p. 215; Marquis James, "The National Domain and the New Deal: An Interview by Marquis James with Harold L. Ickes, Secretary of the Interior," The Saturday Evening Post, December 23, 1933, p. 11; and see the letters in Department of the Interior, Central Classified Files 1907-1936, Correspondence, General Land Office, File 2-147, Grazing on the Public Lands, General, Pts. VIII and IX, Record Group 48, Records of the Office of the Secretary of the Interior, National Archives, Washington, D.C. (hereafter Interior, CCF 1907-1932, Correspondence, GLO, File 2-147, Grazing on the Public Lands, General, Pts. VIII-IX, RG 48, NA, Washington).

[12]Assistant Forester to Regional Forester, Missoula, January 15, 1932; Acting Regional Forester, San Francisco to Regional Forester, Missoula, March 18, 1932; and Assistant Forester to Regional Foresters, April 27, 1932, Forest Service, Division of Range Management, G-Cooperation, Department of the Interior, Mizpah-Pumpkin Creek File, Record Group 95, Records of the Forest Service, National Archives, Washington, D.C..

[13]See the letters in R. B. Tootell Papers, Grazing Districts File, Archives, Montana State University, Bozeman, Montana.

[14]Paul Lewis, Custer County Extension Agent, to J. A. Keith, July 27, 1928, and H. L. Lantz to Evan Hall, October 19, 1928, Evan Hall Collection, Montana Historical Society, Helena, Montana (hereafter Hall Collection, MHS, Helena).

[15]U.S. Department of the Interior, Annual Report of the Secretary of the Interior for the Fiscal Year Ended June 30, 1934 (Washington, D.C.: U.S. Government Printing Office, 1934), pp. 66-67; U.S. General Land Office, Annual Report of the Commissioner of the General Land Office for Fiscal Year Ended June 30, 1931 (Washington, D.C.: U.S. Government Printing Office, 1931), p. 18; and Act of March 31, 1931, U.S. Congress, Statutes at Large 46: 1530.

[16]Department of the Interior, Annual Report for 1934, p. 67; Executive Order No. 5428, August 20, 1930, and Executive Order No. 5711, September 14, 1931, Control Document Index, U.S. Bureau of Land Management, Montana State Office, Billings, Montana; Willard Lamphere, "1931 Annual Report: Custer and Powder River County Extension Organization," pp. 27-29, Agricultural Extension Agent Annual Reports, Archives, Montana State University, Bozeman, Montana; and Montana Wool Growers' Association News Letter, December 15, 1930.

[17]H.R. 4606 in Department of the Interior, Central Classified Files 1907-1936, Legislation, General Land Office, File 2-147, Grazing on the Public Lands, 72nd Congress, Record Group 48, Records of the Office of the Secretary of the Interior, National Archives, Washington, D.C. (hereafter Interior, CCF 1907-1936, Legislation, GLO, File 2-147, Grazing on the Public Lands, 72d Congress, RG 48, NA, Washington).

[18]S. 4336, H.R. 7375, H.R. 8872, H.R. 10700, H.R. 10701, H.R. 11202, H.R. 11970, H.R. 13559, H.R. 14177, Ibid.

[19]Peffer, The Closing of the Public Domain, p. 215; and U.S. Congress, House, Committee on Public Lands, Grazing on the Public Domain: Hearings on H.R. 11816, 72d Cong., 1st sess., 1932, p. 4-6.

[20]All the special grazing reserve bills were deferred as Congress considered H.R. 11816 (See S. 4336, HR 4606, H.R. 7375, H.R. 8872, H.R. 10700, H.R. 10701, H.R. 11202, H.R. 11970, H.R. 13559, H.R. 14177, Interior, CCF 1907-1936, Legislation, GLO, File 2-147, Grazing on the Public Lands, 72d Congress, RG 48, NA, Washington). One of the bills did receive some consideration. This was H.R. 13559 calling for the establishment of a grazing reserve in Custer County, Idaho. The measure did not, however, as historian Joe Stout contends, ever become law (H.R. 13559, Ibid.; and Joe A. Stout, "Cattlemen, Conservationists, and the Taylor Grazing Act," New Mexico Historical Society 45 (October 1970: 326).

[21]See H.R. 411, H.R. 4541, and H.R. 11816 in Interior, CCF 1907-1936, Legislation, GLO, File 2-147, Grazing on the Public Lands, 72d Congress, RG 48, NA, Washington.

[22]Phillip O. Foss, Politics and Grass: The Administration of Grazing on the Public Domain (Seattle: University of Washington Press, 1960), pp. 50-51; and Peffer, The Closing of the Public Domain, p. 215.

[23]See H.R. 11816 in Interior, CCF 1907-1936, Legislation, GLO, File 2-147, Grazing on the Public Lands, 72d Congress, RG 48, NA, Washington.

[24]See U.S. Congress, House, Hearings on H.R. 11816 and U.S. Congress, Senate, Committee on Public Lands and Surveys, Hearing on H.R. 11816: Public Grazing Lands, 72d Cong., 2d sess. (Washington, D.C.: U.S. Government Printing Office, 1933).

[25]U.S. Congress, House, Hearings on H.R. 11816, pp. 54-64.

[26]U.S. Congress, Senate, Hearings on H.R. 11816, pp. 23-27.

[27]Ibid, pp. 3031.

[28]Stout, "Cattlemen, Conservationists, and the Taylor Grazing Act," pp. 314-315.

[29]Peffer, The Closing of the Public Domain, pp. 216-217.

[30]Ibid.

[31]Ibid.

[32]Steven F. Mehls, The Valley of Opportunity: A History of West-Central Colorado (Denver: U.S. Bureau of Land Management, 1982), p. 203; and U.S. Congress, House, Committee on Public Lands, Hearings on H.R. 2835 and H.R. 6462: To Provide for the Orderly Use, Improvement, and Development of the Public Range, 73d Cong., 1st and 2d sess., (Washington, D.C.: U.S. Printing Office, 1934), pp. 72-73.

[33]Stout, "Cattlemen, Conservationists, and the Taylor Grazing Act," pp. 315-316; and Peffer, The Closing of the Public Domain, p. 218.

[34]A. L. Riesch Owen, Conservation under FDR (New York: Praeger, 1983), pp. 23 and 171.

[35]Ibid, pp. 68-68; and Allan J. Soffar, "Differing Views on the Gospel of Efficiency: Conservation Controversies Between Agriculture and Interior, 1898-1938," Ph.D. dissertation, Texas Tech University, 1974, pp. 292-293.

[36]James, "The National Domain and the New Deal," pp. 11 and 55.

[37]Ibid.

[38]Harold L. Ickes, The Secret Diary of Harold L. Ickes, 3 vols. (New York: Simon and Schuster, 1953-1954), I: 49.

[39]Peffer, The Closing of the Public Domain, p. 218.

[40]Stout, "Cattlemen, Conservationists, and the Taylor Grazing Act," p. 315; Ickes, Secret Diary, p. 66; The Producer, August 1933, pp. 16-17, and September 1933, pp. 8-9; and Secretary of the Interior - to Secretary, National Live Stock Association, August 5, 1933 and Mr. Thomas to Mr. Fahy, July 31, 1933, Interior, CCF 1907-1936, Correspondence, GLO, File 2-31, Illegal Fencing on the Public Lands, General, Pt. I, RG 48, NA, Washington.

[41]Ibid.

[42]Foss, Politics and Grass, pp. 57-58.

[43]Martin Mayer, The Lawyers, reprint (Westport, Connecticut: Greenwood Press, 1980), pp. 354-355; Secretary of the Interior to President, August 22, 1933, Interior, CCF 1907-1936, Correspondence, GLO, File 2-147, Grazing on the Public Lands, Withdrawals--General, RG 48, NA, Washington; and Harold Ickes, Secretary of the Interior, to Evan Hall, November 13, 1933, Hall Collection, MHS, Helena.

[44]U.S. Congress, Committee on Public Lands and Surveys, Withdrawal of Certain Lands in Utah, S. Doc. 138, 73d Cong., 2d sess., 1934, pp. 2-6.

[45]Attorney General to Secretary of State, February 3, 1934, in Franklin D. Roosevelt & Conservation, 1911-1945, 2 vols., ed. Edgar B. Nixon (Hyde Park, New York: National Archives and Records Service, 1957), I: 251-253.

[46]Prior to Franklin D. Roosevelt's administration, when the question of the Secretary of the Interior's power to withdraw lands for grazing districts and provide for their regulation without specific legislation came up, the Interior Department and General Land Office felt they did not have adequate authority, as shown in Commissioner of the General Land Office to Secretary of the Interior, October 3, 1929, and Secretary of the Interior to Frank Delaney, November 26, 1929, Interior, CCF 1907-1936, Correspondence, GLO, File 2-147, Grazing on the Public Lands, General, Pt. VII, RG 48, NA, Washington; and Commissioner of the General Land Office to Executive Secretary, Committee on the Conservation and Administration of the Public Domain, May 2, 1930, General Land Office, 1910 Miscellaneous Letters Received Files, File 1352114, Record Group 49, Records of the Bureau of Land Management, National Archives, Washington, D.C.

[47]See Grazing District Withdrawal No. 4, Interior, CCF 1907-1936, Correspondence, GLO, File 2.147, Grazing on the Public Lands, Withdrawals, Withdrawal No. 4, RG 48, NA, Washington and Congress, Withdrawal of Certain Lands in Utah.

[48]Secretary of the Interior to President, August 22, 1933, Secretary of the Interior to President, August 26, 1933, J. F. Deeds to Rufus Poole, May 8, 1934, and Commissioner of the General Land Office to Secretary of the Interior, June 1, 1934, Interior, CCF 1907-1936, Correspondence, GLO, File 2-147, Grazing on the Public Lands, Withdrawals--General, RG 48, NA, Washington.

[49]Secretary of the Interior to Senator Robert Carey, February 10, 1934, and Secretary of the Interior to Congressman Vincent Carter, February 10, 1934, Interior, CCF 1907-1936, Correspondence, GLO, File 2-147, Grazing on the Public Lands, General, Pt. IX, RG 48, NA, Washington.

[50]U.S. Congress, Senate, Committee on Public Lands and Surveys, Hearings on H.R. 6462: To Provide for the Orderly Use, Improvement, and Development of the Public Range, 73d Cong., 2d sess. (Washington, D.C.: U.S. Government Printing Office, 1934), pp. 1-5.

[51]See Ibid. and U.S. Congress, House, Hearings on H.R. 2835 and H.R. 6462; and Congressional Record, 78: 6346-6374, 11139-11156, and 11161-11162.

[52]U.S. Congress, Senate, Hearings on H.R. 6462, pp. 18-22.

[53]Ibid., pp. 50-51, 68, and 96-98; and U.S. Congress, House, Hearings on H.R. 2835 and H.R. 6462, pp. 84 and 169.

[54]U.S. Congress, House, Hearings on H.R. 2835 and H.R. 6462, pp. 79 and 203; and U.S. Congress, House, Congressional Record 78: 6351.

[55]Peffer, The Closing of the Public Domain, pp. 218-220.

[56]See the Senate debates in the U.S. Congress, Senate, Congressional Record 78: 11139-11156.

[57]Act of June 28, 1934, U.S. Congress, Statutes at Large 48: 1269.

[58]Gates, History of Public Land Law Development, p. 612; and Peffer, The Closing of the Public Domain, p. 222.

[59]Soffar, "Differing Views on the Gospel of Efficiency," pp. 283-284.

[60]Peffer, The Closing of the Public Domain, p. 220.

[61]Soffar, "Differing Views on the Gospel of Efficiency," pp. 284-288.

[62]Ibid.

[63]Nixon, Roosevelt & Conservation, pp. 313-314.

CONCLUSION

The Mizpah-Pumpkin Creek Grazing District continued to operate after the passage of the Taylor Grazing Act. Under the provisions of the 1932 lease with the Department of the Interior, the ranchers' association had a ten-year permit to use the range within the reserve.[1] In 1936, administrative responsibility for the grazing district was transferred from the General Land Office to the Division of Grazing, the agency responsible for regulating the grazing districts established under the Taylor Grazing Act.[2]

At about the same time, the members of the Mizpah-Pumpkin Creek Grazing Association considered disbanding. Continued drought and economic depression made it difficult for the stockraisers to make rental payments to all of the landowners within the reserve, but relief from the Interior Department and Northern Pacific Railroad Company prevented dissolution.[3] Matters improved in the 1940s for the grazing association, as they did for most ranchers on the Great Plains, and in 1944 the ranchers were able to purchase all the Northern Pacific's land holdings in the Mizpah-Pumpkin Creek Grazing District.[4]

During the 1950s relations between the Mizpah-Pumpkin Creek Grazing Association and the Bureau of Land Management, the agency created by the merger of the General Land Office and Grazing Service in 1946, became strained. The issue mainly involved who would determine grazing numbers within the reserve: the ranchers or the Bureau of Land

Management. The Bureau of Land Management, thinking the need for a special reserve no longer necessary, wanted the lands within the grazing district brought in under the provisions of the Taylor Grazing Act.[5] When the third renewal of the Mizpah-Pumpkin Creek Grazing Association's lease under the Act of March 29, 1928, occurred in 1962, the Bureau of Land Management denied the stockmen's request. Agency officials explained that the 1928 law provided for only one ten-year lease and that the agency was without authority to renew the association's permit. Members could continue to lease the public lands within the former reserve, but this now had to be done under the provisions of the Taylor Grazing Act.[6] The decision surprised the Mizpah-Pumpkin Creek Grazing Association. They tried to have the ruling reversed but were unsuccessful.[7] The Mizpah-Pumpkin Creek Grazing District had come to an end.

It was with the passage of the Taylor Grazing Act, however, that the purpose and importance of the Mizpah-Pumpkin Creek Grazing District was both fulfilled and ended. From its inception, the reserve was seen as a demonstration project. When the Milwaukee Railroad agricultural supervisor Evan Hall first proposed the grazing reserve idea in 1926, he saw it as an "opportunity to demonstrate the value of controlled grazing."[8] Congressman Scott Leavitt championed the Mizpah-Pumpkin Creek Grazing District in Congress for the same reason. He saw the reserve as "a laboratory where the vexing problem of how the public ranges should be handled may be, at least, partly worked out ... and

[the] possibility of thereby arriving at a wise national policy" achieved.[9]

The Mizpah-Pumpkin Creek Grazing District did, without question, succeed in doing what Evan Hall, Congressman Scott Leavitt, and others hoped. The public lands within the reserve were improved and the users were able to better their situation. As agricultural historian John Schlebecker has noted, "the concept of cooperative ownership and control was one of the really significant ideas of plainsmen in the twentieth century."[10] The State of Montana enacted a cooperative grazing district law in 1933, and after the passage of the Taylor Grazing Act other western states made similar provision for cooperative grazing associations.[11] The Mizpah-Pumpkin Creek Grazing District plan was also extended to Indian reservations.[12]

The notoriety given the grazing district's ability to withstand the ravages of drought in 1931 further helped to revive interest in the public domain grazing lease issue. Many western stockmen liked what they heard and started petitioning Congress and the Interior Department for similar reserves. The requests and the realization that transfer of the public domain to the states would not occur revived serious debate over a general public land grazing bill.

The influence of the Mizpah-Pumpkin Creek Grazing District on the provisions of the Taylor Grazing Act was, however, limited. Some historians have stated that the Taylor Grazing Act's provisions were an outgrowth of the Mizpah-Pumpkin Creek Grazing District.[13] But most of the Taylor Grazing Act's provisions had their origin in the general grazing legislation introduced during the 1920s.[14] Only Section 9 of

the Taylor Grazing Act, which granted to the Secretary of the Interior authority to cooperate with local stockmen's associations, appears to be a consequence of the Mizpah-Pumpkin Creek Grazing District experience.[15] What the Mizpah-Pumpkin Creek Grazing District did do was show that the lease of the public domain for grazing purposes could be done successfully.

This fact helped the Department of the Interior prevail in the jurisdictional feud with the Forest Service over who should administer grazing on the public lands. Interior's transferral of the responsibility for the reserve's administration to the grazing association agreed with independent-minded stockraisers' perceptions. They preferred loose administration over that of the ever-watchful management of the Forest Service. This, along with the Forest Service's poor handling of the permit fee controversy in the mid-1920s, assured the Interior Department administration of the public range.

While the Mizpah-Pumpkin Creek Grazing District succeeded in illustrating the advantages that leasing of the public lands under the administration of the Department of the Interior offered and brought new support to the cause of enacting a general grazing law, the reserve only played a part in overcoming the opposition to regulated grazing. Many westerners did not view the Montana experiment as successful and perceived any federal management of the public range as intrusive. It took Secretary of the Interior Harold Ickes' order calling for the removal of illegal fences on the public domain, the withholding of Emergency Conservation Act funds, and the threat of creating grazing

districts by his own authority to convince these individuals that the time for a general public lands grazing measure had come.

The fact that the Mizpah-Pumpkin Creek Grazing District was neither solely responsible for securing passage of the Taylor Grazing Act nor the basis of that law's provisions does not diminish the importance of the reserve. The Mizpah-Pumpkin Creek Grazing District helped to break the deadlock in Congress over the formulation of a new public grazing land policy. The Taylor Grazing Act remains the basis of public land grazing policy today and, while the law has not resolved all the problems on the public range, it did end the economic chaos that free and unrestricted grazing on the public domain that the organizers of the Mizpah-Pumpkin Creek Grazing District were seeking.[16] Moreover, the Mizpah-Pumpkin Creek Grazing District experience shows how the shaping of public land policy can be influenced by westerners, even if only a small group of determined stockraisers from southeastern Montana.

ENDNOTES

[1]Commissioner of the General Land Office, "Circular No. 1263," January 4, 1932, General Land Office, Billings Land Office, Serial Case File 033683, Record Group 49, Records of the Bureau of Land Management, National Archives, Denver Branch, Denver, Colorado.

[2]Acting Secretary of the Interior, "Order," November 13, 1936, Ibid.

[3]Commissioner of the General Land Office to Register, Billings Land Office, February 18, 1938, Ibid.; Northern Pacific Land Commissioner to Northern Pacific Vice President, September 8, 1939, Northern Pacific Railway Company, President's File 526-G21, Northern Pacific Railroad Company Collection, Minnesota Historical Society, St. Paul, Minnesota (hereafter Northern Pacific, President's File 526-G21, Northern Pacific Collection, MHS, St. Paul); Interview with Armand and Helder Tonn, sons of Mizpah-Pumpkin Creek Grazing District organizer William Tonn, SY Ranch south of Miles City, Montana, August 20, 1981; and Mizpah-Pumpkin Creek Grazing Association, "Mizpah-Pumpkin Creek Grazing Association Meeting Minutes," in possession of Helder Tonn, Miles City, Montana, May 3, 1937; October 1, 1937; and March 7, 1938 (hereafter Mizpah-Pumpkin Creek Grazing Association, "Association Meeting Minutes").

[4]Mizpah-Pumpkin Creek Grazing Association, "Association Meeting Minutes," June 3, 1944, and October 21, 1944; and Northern Pacific Land Commissioner to Mr. C. E. Denny, November 24, 1944, and C. E. Denny to Northern Pacific Land Commissioner, November 24, 1944, Northern Pacific, President's File 526-G21, Northern Pacific Collection, MHS, St. Paul.

[5]Interview with Armand and Helder Tonn; and see correspondence in U.S. Bureau of Land Management, Mizpah-Pumpkin Creek Grazing Association Lease File, 1936-1953 and Mizpah-Pumpkin Creek Grazing Association, 1954-1962, Miles City District Office, Miles City, Montana (hereafter BLM, Mizpah-Pumpkin Creek Grazing Association Files).

[6]Assistant Solicitor, Department of the Interior to Assistant Director, Bureau of Land Management, August 9, 1962, and District Manager, Miles City District, "Decision," November 21, 1962, BLM, Mizpah-Pumpkin Creek Grazing Association Lease File, 1954-1962.

[7]Interview with Armand and Helder Tonn.

[8]Evan Hall to Alva Simpson, July 6, 1934, Evan Hall Collection, Montana Historical Society, Helena, Montana.

[9]U.S. Congress, House, Congressional Record, 69: 2587-2588.

[10]John T. Schlebecker, Cattle Raising on the Plains, 1900-1961 (Lincoln, University of Nebraska Press, 1963), p. 115.

[11]Roland R. Renne, The Government and Administration of Montana (New York: Thomas Y. Crowell Co., 1958), pp. 315-318; Glen H. and Charles W. Loomer, Collective Tenure on Grazing Land in Montana, Montana Agricultural Experiment Station Bulletin No. 406 (February 1943); Mont H. Saunderson and N. W. Monte, Grazing Districts in Montana: Their Purpose and Organization Procedure, Montana Agricultural Experiment Station Bulletin No. 326 (September 1936); Layton S. Thompson, Montana Cooperative State Grazing Districts in Action, Montana State College Experiment Station Bulletin No. 481 (December 1951); B. W. Allred, Range Conservation Practices for the Great Plains, U.S. Department of Agriculture Miscellaneous Publication No. 410 (1940); and C. W. Loomer and V. Webster Johnson, Group Tenure in Administration of Public Lands, U.S. Department of Agriculture Circular No. 829 (1949).

[12]J. P. Kinney, Indian Forest and Range: A History of the Administration and Conservation of the Redman's Heritage (Washington, D.C.: Forestry Enterprises, 1950), pp. 264-265, 268-269; U.S. Natural Resources Board, "Indian Land Tenure, Economic Status, and Population Trends," in Supplemental Report of the Land Planning Committee to the National Resources Board, 11 vols., U.S. National Resources Board (Washington, D.C.: U.S. Government Printing Office, 1936), 10: 39, 56; R. B. Tootell, Agricultural Extension Economist, to A. W. Warden, Roosevelt County, Montana, County Extension Agent, May 15, 1933, R. B. Tootell Papers, Grazing Districts, Archives, Montana State University, Bozeman, Montana; and Thomas R. Wessel, "Agriculture on the Reservation: The Case of the Blackfeet, 1885-1935," Journal of the West 28 (October 1979): 22-23.

[13]Merrill G. Burlingame and K. Ross Toole, "The Range Livestock Industry," in A History of Montana, I: 330, ed. Merrill G. Burlingame and K. Ross Toole, 3 vols. (New York: Lewis Historical Publishing Co., 1957); Joseph Kinsey Howard, Montana: High, Wide, and Handsome (New Haven: Yale University Press, 1943), p. 300; and Michael P. Malone and Richard B. Roeder, Montana: A History of the Two Centuries (Seattle: University of Washington Press, 1976), p. 244.

[14]See U.S. Congress, Senate, Committee on Public Lands and Surveys, Grazing Facilities on Public Lands: Hearings on S. 2584, 69th Cong., 1st sess., February to March 1926, and S. 2329, Department of the Interior, Central Classified Files 1907-1936, Legislation, General Land Office, File 12-147, Grazing on the Public Lands, 70th Congress,

Record Group 48, Office of the Secretary of the Interior, National Archives, Washington.

[15]Act of June 28, 1934, U.S. Congress, Statutes at Large 48: 1269.

[16]The public land grazing controversy still rages. Debate has centered on the cost of grazing fees, Department of the Interior administrative practices, and use of grazing lands by competing user groups as shown in Wesley Calef, Private Grazing and Public Lands: Studies of the Local Management of the Taylor Grazing Act (Chicago, The University of Chicago Press, 1960); Paul J. Culhane, Public Land Politics: Interest Group Influence on the Forest Service and the Bureau of Land Management (Baltimore: The Johns Hopkins University Press, 1981); Samuel Trask Dana and Sally K. Fairfax, Forest and Range Policy: Its Development in the United States, Second Edition (New York: McGraw-Hill Book Co., 1980); Denzel Ferguson and Nancy Ferguson, Sacred Cows at the Public Trough (Bend, Oregon: Maverick Publishing, 1983); Phillip O. Foss, Politics and Grass: The Administration of Grazing on the Public Domain (Seattle: University of Washington Press, 1960); and Gary D. Libecap, Locking Up the Range: Federal Land Controls and Grazing (Cambridge, Massachusetts: Ballinger Publishing Co., 1981).

BIBLIOGRAPHY

Primary Material

Manuscript and Archive Collections

Agricultural Extension Agent Annual Reports. Archives. Montana State University. Bozeman, Montana.

Evan Hall Collection. Archives. Montana Historical Society. Helena, Montana.

Evan Hall Papers. Archives. State Historical Society of North Dakota. Bismarck, North Dakota.

Northern Pacific Railroad Company Collection. Archives. Minnesota Historial Society. St. Paul, Minnesota.

Records of the Bureau of Land Management. Record Group 49. National Archives. Denver Branch. Denver, Colorado.

Records of the Bureau of Land Management. Record Group 49. National Archives. Washington, D.C.

Records of the Forest Service. Record Group 95. National Archives, Seattle Branch. Seattle, Washington.

Records of the Forest Service. Record Group 95. National Archives. Washington, D.C.

Records of the Office of the Secretary of the Interior. Record Group 48. National Archives. Washington, D.C.

R. B. Tootell Papers. Archives. Montana State University. Bozeman, Montana.

Thomas J. Walsh Papers. Manuscripts Division. Library of Congress. Washington, D.C.

Government Office Files

Custer County, Montana. Land Ownership and Tax Assessment Tract Books. Custer County Courthouse. Miles City, Montana.

Montana Department of State Lands. Mizpah-Pumpkin Creek Grazing District Land Exchange File and State Land Grazing Index File. Helena, Montana.

U.S. Bureau of Land Management. Control Document Index. Montana State Office. Billings, Montana.

U.S. Bureau of Land Management. Mizpah-Pumpkin Creek Grazing Association Lease File, 1936-1953 and Miles City District Office. Miles City, Montana. Mizpah-Pumpkin Creek Grazing Association Lease File, 1954-1962. Miles City District Office. Miles City, Montana.

Government Documents and Publications

Allred, B. W. Range Conservation Practices for the Great Plains. U.S. Department of Agriculture Miscellaneous Publication No. 410. (1940)

Barnes, Will C. The Story of the Range. Washington, D.C.: U.S. Government Printing Office, 1926.

Bradford, Franklin. "Grazing 'Granddad' Keeps Busy." Our Public Lands 15 (Winter 1966): 9-10.

Coville, Frederick V. "A Report on Systems of Leasing Large Areas of Grazing Land, Together with an Outline of a Proposed System for the Regulation of Grazing on the Public Lands of the United States." In Report of the Public Lands Commission. U.S. Public Lands Commission. Washington D.C.: U.S. Government Printing Office, 1905.

Hoyt, John C. Droughts of 1930-1934. U.S. Geological Survey Water-Supply Paper No. 680 (1936).

Loomer, C. W.; and Johnson, V. Webster. Group Tenure in Administration of Public lands. U.S. Department of Agriculture Circular No. 829 (1949).

Nimmo, Joseph, Jr. Report in Regard to the Ranch and Ranch Cattle Business of the United States. Washington, D.C.: U.S. Government Printing Office, 1885.

Nixon, Edgar B., ed. Franklin D. Roosevelt and Conservation, 1911-1945. 2 vols. Hyde Park, N.Y.: General Services Administration, 1957.

Parker, James S.; and Andrews, David A. The Mizpah Coal Field, Custer County, Montana. U.S. Geological Survey Bulletin No. 906-C (1939).

Parr, V. V.; Collier, G. W.; and Klemmedson, G. S. Ranch Organization and Methods in the Southwest. U.S. Department of Agriculture Technical Bulletin No. 68 (1928).

Potter, Albert F. "Questions Regarding the Public Grazing Lands of the Western United States." In Report of the Public Lands Commission. U.S. Public Lands Commission. Washington D.C.: U.S. Government Printing Office, 1905.

Powell, J. W. Report on the Lands of the Arid Region of the United States with a More Detailed Account of the Lands of Utah. Second Edition. Washington, D.C.: U.S. Government Printing Office, 1879.

U.S. Committee on the Conservation and Administration of the Public Domain. Report of the Committee on the Conservation and Administration of the Public Domain. Washington D.C.: U.S. Government Printing Office, 1931.

U.S. Congress. Biographical Directory of the American Congress, 1774-1961. Washington D.C.: U.S. Government Printing Office, 1961.

_____. Statutes at Large. Washington D.C.: U.S. Government Printing Office, 1870-1934.

_____. Congressional Record, 70th Cong., 1st sess. (1926) - 73d Cong., 1st sess. (1934).

_____. House. Committee on Public Lands. Agreement Between Montana and Private Owners of Land for Grazing, Etc. 69th Cong., 2d sess., 1927. H. Rpt. 1807.

_____. Granting Remaining Unreserved Public Lands to the States: Hearings on H.R. 5840. 72d Cong., 1st sess., February, March, and April 1932.

_____. Grazing on Public Domain: Hearings on H.R. 11816. 72d Cong., 1st sess., May 1933.

_____. To Provide for the Orderly Use, Improvement, and Development of the Public Range: Hearings on H.R. 2835 and H.R. 6462. 73d Cong., 1st sess. and 73d Cong., 2d sess., June 1933, and February and March 1934.

_____. Senate. Committee on Public Lands and Surveys. Grazing Facilities on Public Lands: Hearings on S. 2584. 69th Cong., 1st sess., February to March 1926.

_____. Hearings Pursuant to S. Res. 347 to Investigate All Matters Relating to National Forests and Public Domain and Their Administration. 3 vols. 69th Cong., 1st sess., 1926.

_____. Public Grazing Lands: Hearing on H.R. 11816. 72d Cong., 2d sess., February 17, 1933.

_____. To Provide for the Orderly Use, Improvement, and Development of the Public Range: Hearings on H.R. 6462. 73d Cong., 2d sess., April and May 1934.

_____. Withdrawal of Certain Public Lands in Utah. S. Doc. No. 138. 73d Cong., 2d sess., 1934.

U.S. Department of Agriculture. The Western Range. Washington, D.C.: U.S. Government Printing Office, 1936.

U.S. Department of the Interior. Annual Report to the Secretary of the Interior for the Fiscal Year Ended June 30, 1880-1934. Washington, D.C.: U.S. Government Printing Office, 1880-1934.

U.S. General Land Office. Annual Report of the Commissioner of the General Land Office for the Fiscal Year Ending June 30, 1870-1933. Washington, D.C.: U.S. Government Printing Office, 1870-1933.

U.S. National Resources Board. "Indian Land Tenure, Economic Status, and Population Trends." In Supplementary Report of the Land Planning Committee to the National Resources Board. Vol. 10. Washington, D.C.: U.S. Government Printing Office, 1936.

_____. Supplementary Report of the Land Planning Committee to the National Resources Board. 11 vols. Washington, D.C.: U.S. Government Printing Office, 1936.

U.S. Public Lands Commission. Report of the Public Lands Commission, Created by the Act of March 3, 1879. Washington, D.C.: U.S. Government Printing Office, 1880.

_____. Report of the Public Lands Commission. Washington, D.C.: U.S. Government Printing Office, 1905.

Wilson, M. L.; Wilcox, R. H.; Klemmedson, G. S.; and Parr, V. V. A Study of Ranch Organization and Methods of Range-Cattle Production in the Northern Great Plains Region. U.S. Department of Agriculture Technical Bulletin No. 45 (March 1928).

Wooton, E. O. The Relation of Land Tenure to the Use of the Arid Grazing Lands of the Southwestern States. U.S. Department of Agriculture Bulletin No. 1001 (February 1922).

Books

Ickes, Harold L. The Secret Diary of Harold L. Ickes. 3 vols. New York: Simon and Schuster, 1953-54.

Winter, Charles E. Four Hundred Million Acres: The Public Lands and Resources; History, Acquisition, Disposition, Proposals, Memorials, Briefs, Status. Casper, Wyoming: Overland Publishing Co., 1932.

Newspapers and Periodicals

The Breeder's Gazette. January 1927 - July 1934.

Miles City Weekly Star. June 1926 - July 1934.

The Montana Farmer. November 1926 - July 1934.

Montana Stockgrower. January 1930 - August 1934.

Montana Wool Growers Association News Letter. March 1928 - July 1934.

National Wool Grower, The. January 1927 - August 1934.

The Producer. January 1927 - May 1933.

Articles and Pamphlets

Craig, Glen. H.; and Loomer, Charles W. Collective Tenure on Grazing Land in Montana. Montana Agricultural Experiment Station Bulletin N. 406 (February 1943).

"Difference Between Homesteading and Home Building." Butte Miner, 20 January 1927, p. 12.

James, Marquis. "The National Domain and the New Deal: An Interview by Marquis James with Harold L. Ickes, Secretary of the Interior." The Saturday Evening Post, December 23, 1933, pp. 10-11, and 55.

"Led Montana Grazing Work ... Hall's Retirement Brings Railway Staff Changes." Great Falls Tribune, May 22, 1952, p. 4.

Myers, Charles A. "Co-operative Range Ownership." The Producer 2 (February 1921): 5-7.

Poole, James E. "Montana Stockraising on a New Sound Basis: Cattle and Sheep Production No Longer a Gamble in the Northwest." The Breeder's Gazette 91 (April 28, 1927): 435.

Saunderson, Mont H.; and Monte, N. C. Grazing Districts in Montana: Their Purpose and Organization Procedure. Montana Agricultural Experiment Station Bulletin No. 326 (September 1936).

Thompson, Layton S. Montana Cooperative State Grazing Districts in Action. Montana State College Agricultural Experiment Station Bulletin No. 481 (December 1951).

Tootell, R. B. Grazing Districts: Their Nature and Possibilities in Range Land Utilization. Montana State College Extension Service Bulletin No. 127 (December 1932).

Wade, W. S. "Use of Public Lands by Grazing Association Under Control of Interior Department." The National Wool Grower 22 (March 1932): 29-31.

Interviews

Leavitt, Roswell. Son of Congressman Scott Leavitt. Missoula, Montana. Interview, December 10, 1981.

Sandvig, Earl ("Sandy"). Former Assistant Supervisor, Custer National Forest. Portland, Oregon. Interview, November 10, 1981.

Tonn, Helder. Son of William Tonn, a charter member of the Mizpah-Pumpkin Creek Grazing Association and former secretary-treasurer of association. Miles City, Montana. Interview, August 20, 1981.

Tonn, Armand. Son of William Tonn, a charter member of the Mizpah-Pumpkin Creek Grazing Association. Miles City, Montana. Interview, August 20, 1981.

Other

Mizpah-Pumpkin Creek Grazing Association. "Association Meeting Minutes, 1928-1962." Helder Tonn, Miles City, Montana.

Secondary Material

Books

Burlingame, Merrill G.; and Toole, K. Ross, ed. A History of Montana. 3 vols. New York: Lewis Historical Publishing Co., 1957.

Calef, Wesley. Private Grazing and Public Lands: Studies of the Local Management of the Taylor Grazing Act. Chicago: The University of Chicago Press, 1960.

Carstensen, Vernon, ed. The Public Lands: Studies in the History of the Public Domain. Madison: The University of Wisconsin Press, 1963.

Cleland, Robert Glass. The Cattle on a Thousand Hills: Southern California, 1850-1880. San Marino, California: The Huntington Library, 1951.

Culhane, Paul J. Public Land Politics: Interest Group Influence on the Forest Service and the Bureau of Land Management. Baltimore: The Johns Hopkins University Press, 1981.

Dale, Edward Everett. The Range Cattle Industry: Ranching on the Great Plains from 1865 to 1925. New Edition. Norman: University of Oklahoma Press, 1960.

Dana, Samuel Trask; and Fairfax, Sally K. Forest and Range Policy: Its Development in the United States. Second Edition. New York: McGraw-Hill Book Company, 1980.

Derleth, August. The Milwaukee Road: Its First Hundred Years. New York: Creative Age Press, 1948.

Dick, Everett. The Lure of the Land: A Social History of the Public Lands from the Articles of Confederation to the New Deal. Lincoln: University of Nebraska Press, 1970.

Dunham, Harold Hathaway. Government Handout: A Study in the Administration of the Public Lands, 1875-1891. New York: Da Capo Press, 1970.

Ferguson, Denzel; and Ferguson, Nancy. Sacred Cows at the Public Trough. Bend, Oregon: Maverick Publications, 1983.

Finerty, John F. Warpath and Bivouac: The Big Born and Yellowstone Expedition. Edited by Milo Milton Quaife. Lincoln, University of Nebraska Press, 1966.

Fletcher, Robert H. Free Grass to Fences: The Montana Cattle Range Story. New York: University Publishers Incorporated, 1960.

Foss, Phillip O. Politics and Grass: The Administration of Grazing on the Public Domain. Seattle: University of Washington Press, 1960.

Froman, Lewis A., Jr. The Congressional Process: Strategies, Rules, and Procedures. Boston: Little, Brown and Company, 1967.

Fulton, Dan. Failure on the Plains: A Rancher's View of the Public Lands Problem. Bozeman, Montana: Big Sky Books, 1982.

Gates, Paul W. History of Public Land Law Development. With concluding chapter by Robert W. Swenson. Washington, D.C.: U.S. Government Printing Office, 1968.

Geisler, Charles C.; and Popper, Frank J., ed. Land Reform, American Style. Totowa, New Jersey: Rowman & Allanheld, Publishers, 1984.

Gressley, Gene M. Bankers and Cattlemen. Lincoln: University of Nebraska Press, 1971.

Hargreaves, Mary W. M. Dry Farming in the Northern Great Plains: 1900-1925. Cambridge: Harvard University Press, 1957.

Hays, Samuel P. Conservation and the Gospel of Efficiency: The Progressive Conservation Movement: 1890-1920. New Edition. New York: Atheneum, 1975.

Howard, Joseph Kinsey. Montana: High, Wide, and Handsome. New Illustrated Edition. New Haven: Yale University Press, 1959.

Jordan, Terry G. Trails to Texas: Southern Roots of Western Cattle Ranching. Lincoln: University of Nebraska Press, 1981.

Kinney, J. P. Indian Forest and Range: A History of the Administration and Conservation of the Redman's Heritage. Washington, D.C.: Forestry Enterprises, 1950.

Larson, T.A. History of Wyoming. Second Edition. Lincoln: University of Nebraska Press, 1978.

Lee, Bob; and Williams, Dick. Last Grass Frontier: The South Dakota Stock Grower Heritage. Sturgis, South Dakota: Black Hills Publishers, Inc., 1964.

Libecap, Gary D. Locking Up the Range: Federal Land Controls and Grazing. Cambridge, Massachusetts: Ballinger Publishing Co., 1981.

McCarthy, G. Michael. Hour of Trial: The Conservation Conflict in Colorado and the West, 1891-1907. Norman: University of Oklahoma Press, 1977.

Malone, Michael P.; and Roeder, Richard B. Montana: A History of Two Centuries. Seattle: University of Washington Press, 1976.

Mayer, Martin. The Lawyers. Reprint. Westport, Connecticut: Greenwood Press, 1980.

Mehls, Steven F. The Valley of Opportunity: A History of West-Central Colorado. Denver: U.S. Bureau of Land Management, 1982.

Miles City Corral of Range Riders and the Range Riders of Custer County. Fanning the Embers. Billings, Montana: Gazette Printing and Lithography, 1971.

Miller, Thomas L. The Public Lands of Texas, 1519-1970. Norman: University of Oklahoma Press, 1972.

Mosk, Sanford A. Land Tenure Problems in the Santa Fe Railroad Grant Area. Berkeley: University of California Press, 1944.

Oliphant, J. Orin. On the Cattle Ranges of Oregon Country. Seattle: University of Washington Press, 1968.

Osgood, Ernest Staples. The Day of the Cattleman. Reprint. Chicago: The University of Chicago Press, 1970.

Owen, A. L. Riesch. Conservation Under F.D.R. New York: Praeger Publishers, 1983.

Peake, Ora B. The Colorado Cattle Industry. Glendale, California: A. H. Clark Company, 1937.

Peffer, E. Louise. The Closing of the Public Domain: Disposal and Reservation Policies, 1900-1950. Stanford: Stanford University Press, 1951.

Pelzer, Louis. The Cattleman's Frontier: A Record of the Trans-Mississippi Cattle Industry from Oxen Trains to Pooling Companies, 1850-1890. Glendale, California: Arthur H. Clark Co., 1936.

Renne, Roland R. The Government and Administration of Montana. New York: Thomas R. Crowell, 1958.

Robbins, Roy M. Our Landed Heritage: The Public Domain, 1776-1970. Revised Edition. Lincoln: University of Nebraska Press, 1976.

Rowley, William D. U.S. Forest Service Grazing and Rangelands: A History. College Station: Texas A&M University Press, 1985.

Schlebecker, John T. Cattle Raising on the Plains, 1900-1961. Lincoln: University of Nebraska Press, 1963.

Shannon, Fred A. The Farmer's Last Frontier: Agriculture, 1860-1897. Reprint of the 1945 Edition. White Plains, New York: M. E. Sharpe, Inc., 1973.

Swain, Donald C. Federal Conservation Policy, 1921-1933. Berkeley: University of California Press, 1963.

Voigt, William, Jr. Public Grazing Lands: Use and Misuse by Industry and Government. New Brunswick, New Jersey: Rutgers University Press, 1976.

Wessel, Thomas R., ed. Agriculture in the Great Plains, 1876-1936. Washington D.C.: The Agricultural History Society, 1977.

Articles

Bates, J. Leonard. "T. J. Walsh: His Genius for Controversy." Montana: The Magazine of Western History 29 (Autumn 1969): 3-15.

Burcham, L. T. "Cattle and Range Forage in California." Agricultural History 35 (July 1961): 140-149.

Burlingame, Merrill G. "National Contributions of the Montana Extension Service, 1893-1930." In Agriculture in the Great Plains, 1876-1936, pp. 229-243. Edited by Thomas R. Wessel. Washington, D.C.: The Agricultural History Society, 1977.

_____, and Toole, K. Ross. "The Range Livestock Industry." In A History of Montana, Vol. 1, pp. 311-339. Edited by Merrill G. Burlingame and K. Ross Toole. New York: Lewis Historical Publishing Co., 1957.

Edwards, John Carver. "Herbert Hoover's Public Lands Policy: A Struggle for Control of the Western Domain," Pacific Historian 20 (Spring 1976): 34-45.

Fletcher, Robert S. "The End of the Open Range in Eastern Montana." Mississippi Valley Historical Review 16 (1929-1930): 188-211.

Gard, Wayne. "Rivals for Grass." Southwest Review 33 (Summer 1948): 266-273.

Gates, Paul W. "Homesteading in the High Plains." In Agriculture in the Great Plains, 1876-1936, pp. 109-133. Edited by Thomas R. Wessel. Washington, D.C.: The Agricultural History Society, 1977.

_____. "The Homestead Law in an Incongruous Land System." In The Public Lands: Studies in the History of the Public Domain, pp. 315-348. Edited by Vernon Carstensen. Madison: The University of Wisconsin Press, 1963.

Morrisey, Richard J. "A History of the Cattle Industry in Arizona." Agricultural History 24 (July 1950): 151-156.

Peffer, E. Louise. "Which Public Domain Do You Mean?" Agricultural History 21 (April 1949): 140-146.

Popper, Frank J. "The Ambiguous End of the Sagebrush Rebellion." In Land Reform, American Style. Edited by Charles C. Geisler and Frank J. Popper. Totowa, New Jersey: Rowman & Allanheld, Publishers, 1984.

Reynolds, Arthur A. "Land Frauds and Illegal Fencing in Western Nebraska." Agricultural History 23 (July 1949): 173-179.

Scott, Valerie Weeks. "The Range Cattle Industry: Its Effect on Western Land Law." Montana Law Review 28 (1967): 155-183.

Stout, Joe A., Jr. "Cattlemen, Conservation, and the Taylor Grazing Act." New Mexico Historical Review 45 (October 1970): 311-332.

Trani, Eugene. "Hubert Work and the Department of the Interior, 1923-1928." Pacific Northwest Quarterly 61 (January 1970): 31-40.

Walker, Don D. "The Cattle Industry of Utah, 1850-1900: An Historical Profile." Utah Historical Quarterly 32 (Summer 1964): 182-197.

Wessel, Thomas R. "Agriculture on the Reservation: The Case of the Blackfeet, 1885-1935." Journal of the West 28 (October 1979): 17-24.

White, William R. "Illegal Fencing on the Colorado Range." Colorado Magazine 52 (Spring 1975): 93-113.

Unpublished Material

Cotroneo, Ross Ralph. "The History of the Northern Pacific Land Grant, 1900-1952." Ph.D. dissertation, University of Idaho, 1966.

Gibson, A. M. "Utilization of the Public Domain of the Central and Northern Plains by the Range Cattle Industry, 1876-1900." M.A. thesis, University of Oklahoma, 1948.

Hagy, Jesse R. "The New Mexico Cattle Growers' Association, 1914-1934." M.A. thesis, University of New Mexico, 1951.

Rollins, George W. "The Struggle of the Cattleman, Sheepman and Settler for Control of Lands in Wyoming, 1867-1919." Ph.D. dissertation, University of Utah, 1951.

Soffar, Allan J. "Differing Views on the Gospel of Efficiency: Conservation Controversies Between Agriculture and Interior, 1898-1938." Ph.D. dissertation, Texas Tech University, 1974.

Taylor, Dennen Rodgers. "From Common to Private Property: The Enclosure of the Open Range." Ph.D. dissertation, University of Washington, 1975.

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